

March Court 1716

John Sands and Quattels to be made or the ass John Hodges to render himself ought not according to y<sup>e</sup> forme of y<sup>e</sup> Recognition prod if to him it shall seem expedient and have y<sup>e</sup> shert of names of those by whom to him you make known and also this writ Writ Mess Edward Scott. Gent one of our Justices of our said Court this 26<sup>th</sup> day of November in the second year of our Dominion &c. Anno Dom 1716

At which said next Court viz. the nineteenth day of March the day of return of said writ came William Frisby Gent eight Sheriff of said County and made return thereof in these words thereon endorsed as follows

To the Justices within mentioned I certify that I have made known unto the within Wm Glanvill Special Baile of the within John Hodges that he be and appear at y<sup>e</sup> time & place within mentioned to show cause if any he have why Judgment should not be rendered against him for the Judgment & Cost within specified to satisfy unto y<sup>e</sup> within named George Hill before Michael Hackett & Richard Simmonds good & lawfull men of my said County as y<sup>e</sup> within writ Excute & Reguereth & W<sup>th</sup> respect

At which said Court the ass William Glanvill by John Johnson his attly appeared to the above writ of Sum facis and pleaded as follows And the ass Wm by John Johnson his attly come & says that the ass p<sup>t</sup> Execution of the ass Judgment for the said sume of six pounds twelve Shillings current money as ass as also the sume of eleven hundred & twenty nine pounds of Tobacco obtained against the said John Hodges as ass ought not to have because he saith that before the p<sup>t</sup> issuing out of his writ of Capias ad satisfaciendum against the said John Hodges to wit the tenth day of August in the year of our Lord one thousand seven hundred & sixteen at the parish of St Pauls in the County of Middlesex within the Jurisdiction of this Court the said John Hodges deceased & departed his natural life whereby the said Judgment & the process thereon obtained is wholly voided & made void & abated & that there is no such person as the ass John Hodges in being and this he is ready to verify wherefore he prays Judgment of Execution ought to be awarded to Johnson of Def

And the ass p<sup>t</sup> by his attney saith that he by anything by the ass Def above in pleading alleged from having Execution of the ass six pounds twelve Shillings and also the sume of eleven hundred and twenty nine pounds of Tobacco to be barred ought not because he saith that the ass John Hodges did not die or depart his natural life before the issuing out of the ass George Hill's above mentioned writ of Capias ad satisfaciendum against the said John Hodges and this he prays may