

Godwin Tilman Shall Recover Judgment against the aforesaid John Burke in the plea aforesaid or that the said John Burke shall be therein found that then the said John Burke shall pay the Execution of the said Writ upon or according to his body to the custody of the Sher. of Somerset County in full satisfaction thereof that he the said John Burke will do it for him - Whereupon the said John Burke in his own proper person appears & Imports libel and find the

f. A. Robert Smith and Archibald Smith during the minority James Smith
John Bopper

monition. The plea by Francis Allen his attorney Tued out his Writ of Habeas Corpus against the said John Burke who of followeth in these words viz. Somerset J. Charles absolute Lord and Proprietary of the province of Maryland and Avalon Lord Baron of Baltimore &c. To the Sher. of Somerset

County greeting whereas Archibald Smith administrator Executor of the last will and

Testament of Robert Corrie dec'd lately in our County Court of Somerset here to wit the nineteenth day of August One thousand Seven hundred and twenty nine before Samuel Hopkins Gentleman and his associates Justices of our said Court at dividing creek (in the County aforesaid) by consideration of the same Court Recovered against John Bopper late of Somerset County planter ad. Dicitur John Bopper. of Somerset County and province of Maryland planter as well aforesaid debt of fifteen hundred pounds of tobacco and fifty bushells of Indian Corn, as far hundred and six pounds of tobacco which to the same Archibald in our same Court were adjudged for his damages which he had by reason of the detaining of the same debt whose plea is found as by the record and proceeding thereof in our Court before our Justices at dividing creek aforesaid was remaining manifestly appeareth, and aforesaid the aforesaid Archibald Smith made his last will and testament in writing, and by the same testament then and there ordained and constituted aforesaid James Smith (son of Robert Smith) then and as yett within a age of twenty One year, to be his Executor of the same Testament, and afterwards there died after whose death administration of all and singular the Goods and Chattels Rights and Credits which were of the aforesaid Archibald Smith in due form of Law to the aforesaid Robert Smith during the minority and age of the aforesaid James Smith (his son) was committed as by the Letters of administration in our Court before our Justice Likewise remaining manifestly appeareth as on the part of the aforesaid Robert Smith in our Court before us we have received and that altho' Judgment be thereupon rendered Execution not with standing of the debt and damages aforesaid as yett remaining to be made to the hinderance of the Execution of the administration aforesaid whereupon to us it is supplicated by the same Robert Smith of a full remedy for him in that part to be provided - and we in that part being willing to do that which is just we Comand you that by honest and Lawfull men of your County with you make known unto the said John Bopper that he be and appear before our Justices of our County Court of Somerset to be hold at dividing creek the third wednesday of November next to show cause if any thing for himself he hath or to say wherefore the aforesaid Robert Smith his Executor against him of the debt and damages aforesaid to have ought not according to the form of the Recovery aforesaid if unto him it shall seem Expedient & have you then and there then names of them by whom you made known to him and this writ with us Samuel Hopkins Gent. Chief Justice of our said Court the twenty second day of August in the nineteenth year of our Dominion &c. and Dow. One thousand Seven hundred and thirty

At which said third wednesday of November to wit the seventeenth day of the same month and Dow. One thousand Seven hundred and thirty being the day of the return of the said writ before his Honor's Justice of Somerset County Court at dividing creek Counte the said Robert Smith by his attorney aforesaid and the Sher. of Somerset County to wit John Bunnell Gent. at the same day Returned that he by virtue of the writ aforesaid to him directed he