

Report of Queen's Counsel's opinion on the case of Anthony Redhead: he cannot be released from gaol without the consent of Neale's executors.

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M^r. Anthony Redhead was Deputy Master + Worker to Thomas Neale Esq^r in the late Mint at Norwich whose Bond M^r. Neale tooke in the kings name for the faithfull performance of his Office. Att the breaking up of that Mint the said Redhead being much in arreare by reason of his said Office + oath being made thereof an Extent in or about September 1699 was issued out of the Court of Exchequer at the instance + presentation of the said M^r. Neale against the said M^r Redheads body goods + chattells lands + Tenements by vertue of which his goods were seized by the sherriffs of London + sold afterwards by vertue of a condition {Expird} + the money ariseing thereby was sometime after by order of the Court of Exchequer answered + paid by the said sherriffs to M^r Newton the present Master and worker of the Mint for her Majesties use + by vertue of the said Extent the said sherriffs tooke the said Redheads Body who has remained in prison Ever since for the remainder of his said Debt

Note. M^r. Neale is dead + much in arrears to the Crowne by reason of his Office

Quaere. Whether her Majestie without discharging M^r. Neale + sureties of M^r Redheads said Debt can enlarge M^r Redheads body by a Supersedeas quia processuo Erromie emanavit, Or if any + what Method may be safely taken to doe it

Redhead being only a Deputy of M^r. Neale (for whom he was answerable) and M^r. Neale for his own indemnity haveing taken Bond from him (in the name of the late King) for his well behaveing himselfe in his Office, that Bond belonged to M^r. Neales benefit, + at his prosecution, Therefore I am of opinion her Majesty cannot in reason or Iustice shew favour to Redhead, by dischargeing him out of Prison, without the consent of the Executors of M^r. Neales (for whose benefit he was taken in Execution) without also dischargeing the Executor, And if her Majesty doe discharge him I doubt in Equity it will be a barr to her Majesty to charge the Executors for any default of Redhead; There cannot be a supersedeas quia erromie, for that the Goods have been sold by vertue of the Extent:

Edw Northey
Feb. 5th - 1703
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