Cecilius Absolute Lord and Prop.ry of the Province of Maryland &c. To the Sheriff of Baltimore County greeting We Command you to take Susanna Ely if she shall be found in your Bailiwick and her safe keep so that you have her body at a Court to be held for Baltimore County the first Tuesday in February next Ensuing to Answere unto John Nicholls & Mary his wife in a plea of Trespass on the Case and have you there this writ. Dated January the One and twentyth Anno Domini 1693 and in the fifth yeare of Our Dominion &c.

Entered & signed by ord. Thomas Hodge Cl. Court Balt.

John Dunston appeares for Susanna Ely at the suite of John Nicholls and Mary his wife in a plea of Trespass on the Case.

Baltimore County ss. Susanna Ely was attached to answere unto John Nicholls & Mary his wife in a plea of Trespass on the Case.

And Whereupon the said John and Mary by Thomas Rupert their Attorney complaine that Whereas the said Mary the wife of the said John having served the said Susanna the full time of Foure yeares as by Indenture may more at large appeare, the w.ch time being completed and Ended the Eight and twentyth day of September last past And having then at that time Demanded her ffreedome the said Susanna Unjustly Denyed the same, and wrongfully forced the said Mary without her free will or consent to continue in the said Susanna's service from the date aforesaid unto the Nine & twentyth day of September w.ch is three Compleate Months, for the w.ch service she hath Demanded of the said Susanna the sume of Foure hundred pounds of Tobacco w.ch she unjustly refuseth to pay although often Demanded, and still denyes and still doth Deny. The said John and Mary they are Damnified in the sume of six hundred pounds of Tobacco and thereupon they commence their Suite

John Nicholls & Mary his wife Pl.ffs }
Susanna Ely Def.t in a plea of trespass of ye Case }

Baltimore County ss. The Defendant ag.st the Deft for Detaining Mary One of the Pl.ffs in her service from the 28.th day of September 1693 unto the 29.th day of December 1695 p in their Said Declaration demand Foure hundred pounds of Tobacco, p the said Susanna Ely by John Dunston her Attorney Cometh and Defendeth the force and Injury w.ch &c. & saith that she is not guilty in Manner & forme as the said John Nicholls & Mary his wife against her have Declared and of this she Putteth herself upon the Country. &c. Pl.ff Joinder

Whereupon Command is given to the Sheriffe of Baltimore County that he cause to come here twelve Men Neither kin. to Plaintiffs nor Defendant of the Vicinage of the Parish where the said Mary Lived at the time of her Decease aforesaid Sworn & Sworne the day of Duly in the yeare aforesaid Cause a Jurye the said John Nicholls and Mary his wife as the said Susanna Ely by their Attorneys aforesaid as the Duro. Jurors (to wit) Edward Thornberg William Cromwell Michael Guest James Colliar John Wright Thomas Heath. James Denton Tho: Cannon George Cromwell Peter Elliot Robert Lowe & John Mowell Who being impannelled Sumoned and Sworne to say the truth in the premisses & having heard what could be said on either parte Upon their Oathes do say We of the Jury do finde

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the Pl.ff Ought to have for her wages for the three Months Foure hundred pounds of Tobacco w.th Costs. The Jury finde that the plaintiffe was free the 29.th day of September last as by Indenture doth appeare

At a Court held for Baltimore County the Seaventh day of September 1696
Adjourned unto the Eighth day Anno Dom. 1697.

Comm.d Present: Colo. George Wells, Capt. Jno. Waterton } Miles Gibson, Edward Dorsey } Gentl.

Whereas John Nicholls at his owne Suite & John Nicholls and Mary his wife at another Suite Obtained a Judgment in each Suite against Susanna Ely in July aforesaid The said Susanna came this present court and prayed an appeale from the said Judgments to the Provinciall Court Alledging and proving to the Court that Sickness was the Cause that she could not crave an Appeale before Whereupon the Court taking it into Consideration and Now bringing her Surtyes with her as aforesaid Granted unto the said Susanna her appeale aforesaid

Thomas Hodge Clk Cur. Balt.

The said Provinciall Court on the said fifth day of October was of the Top of writ of Adjournment adjourned unto the three and twentyth day of November following Att which said three and twentyth day of November came the said Susanna Ely by her Attorney aforesaid and according to the act of Assembly in that Case made and Provided Published an act for appeales and Requisite writes of Error. Offereth to this Court here for cause and reason of her the said Susanna's appealing from the Judgment of the said Court of Baltimore County aforesaid for that the Record & proceedings before styled are manifestly Erroneous and Coram Non Judice.

(1st) For that the Pl.ff by their Declaring that the said Mary having served the Def. Susanna the full time of Foure yeares as by Indenture may more at large appeare, the w.ch time being Compleate and Ended the Eight and twentyth day of September from last past & having then at that time Demanded her freedome the said Susanna unjustly Denyed the same & Willingly forced the said Mary without her free will or consent to continue in the said Susanna's service from the Date aforesaid unto the 29.th of December w.ch was three compleate Months. For the w.ch service she hath Demanded of the said Susanna the sume of Foure hundred pounds of tobacco w.ch she unjustly refused to pay. The said Susanna saith that the matter in Question arising upon the said action is whether she did unjustly Detaine or not, or whether she was free or not free. or whether there was an Indenture or no Indenture, & also touching the said Indenture of Servitude whether the same was a good Indenture & valid in Law or not. All w.ch was not within the Jurisdiction of the Court of Baltimore County nor could they hold plea thereof, and for the same matters in the Record aforesaid was Coram Non Judice

(2dly) She saith that the said Pl.ffs have not alledged that they bring into Court here the said Indenture w.ch they Ought to have done that the same might there remaine and the Def. Pray Over thereof w.ch is Error.

(3dly) Att doth not appeare that there was any proof made of the said Indenture to warrant the Verdict aforesaid for that the Jury have Judged her free w.th out Sufficient Proofe w.ch is Error

And thereupon the said Susanna for the Cause and reason aforesaid prayeth the Proceedings aforesaid & Judgment thereupon may be Quashed admitted and made Void & that she may be restored to all w.ch by Occasion thereof hath Sustained may be restored

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