# Judgments

Ca. Sa. John Savin & John Mahin, use of Andrew Frow adm. of Owen against Wm. Benjamin Benson jun.

Habas Corpus produced & allowed.

Be it Remembered that heretofore towit, on the third day of February in the year of our Lord one thousand seven hundred and ninety seven, the Plaintiffs by their attorney sued out the State of Maryland towit of Capias ad respondendum, The Tenor whereof follows in these words and figures towit.

Cecil County to. The State of Maryland, To the Sheriff of Cecil County, Greeting. We command you that you take Benjamin Benson junior late of Cecil County, Yeoman if he shall be found in your Bailiwick and him safe keep, so that you have his body before the Justices of our next County Court, to be held at the Court house in Elkton in same County, the first Monday of March next to answer unto John Savin & John Mahin, otherwise called Savin & Mahin of a plea that he render unto them the sum of Three hundred pounds, current money of Maryland which to them he owes and unjustly detains and so forth. Hereof fail not at your peril and have you then & there this Writ. Witness James Tilghman Esquire Chief Justice of our said Court the twentieth day of October Anno Dominie 1796. Issued the third day of February 1797. (Dr. Davis) Wm. Baxter Clk.

And now here at this day towit, the first Monday of March being the sixth day of the same month, anno Domini seventeen hundred and ninety seven. and the day of the return of the aforegoing Writ, comes the aforesaid John Savin and John Mahin by Davidson David their attorney and the Sheriff of the County aforesaid towhom the said writ was mad & directed hereunto comes and makes return thereof, to the Court here thus endorsed towit. "Cepi Pregr. Buscoe Shff."

And the said Benjamin Benson jun. being called upon appears, and at the prayer of the said John Savin and John Mahin by their attorney aforesaid the said Benjamin Benson junior is adjudged to give Special Bail to the action aforesaid; Whereupon a certain William Savin of Cecil County, Gentleman present here in Court in his proper person, undertaks for the said Benjamin Benson junior, that in case the said John Savin & John Mahin shall recover Judgment against the said Benjamin Benson junior, in the plea aforesaid or that the said Benjamin Benson junior shall be thereon legally convict, that then the said Benjamin Benson junior shall pay the condemnation of the Court thereupon or render his body to the Custody of the Sheriff of the County aforesaid in satisfaction thereof or that he the said William Savin will do the same for him — And the def. Benjamin Benson jun. by William Barrott his attorney comes and saving to himself all advantages as well to the Writ aforesaid as to the Declaration and prays leave to imparle thereon until next Court and he hath it and the same day is given to the said John Savin & John Mahin also. At which said next Court, towit, the first Monday of August being the seventh day of the same month, in the year last aforesaid comes here again at the Court house in the County aforesaid before our said Justices as well the said John Savin & John Mahin as the said Benjamin Benson junior by their attorneys afs., and the said Benjamin Benson junior by their attorneys aforesaid prays further leave of the Court here to imparle until next Court & he hath it, and the same day is given to the said John Savin & John Mahin also.

At which said next Court towit, the first Monday of March being the fifth day of the same month, anno domini seventeen hundred and ninety eight, comes here again at the Court house



in the Town aforesaid before our said Justices as well the said John Savin & John Mahin by their attorney Benjamin Benson junior by their attorneys aforesaid and the said John Savin & John Mahin by their attorney aforesaid declares against the said Benjamin Benson junior as follows towit.

Cecil County towit. Benjamin Benson, junior, late of Cecil County, Yeoman, was summoned to answer unto John Savin & John Mahin, otherwise called Savin & Mahin, of a plea that he render unto them the sum of Three hundred pounds current money of Maryland, which to them he owes and unjustly detains &c. & so forth. And whereupon the said John Savin & John Mahin by Davidson David their attorney say that whereas the aforesaid Benjamin Benson junior, on the thirtieth day of October in the year of our Lord one thousand seven hundred and ninety four, at Cecil County aforesaid by his certain writing obligatory, acknowledged himself to be held and firmly bound unto the said John Savin & John Mahin in the sum and just sum of Three hundred pounds specie (which the said John Savin & John Mahin say was at the time of making the writing obligatory aforesaid, ever since has been and now is of the value of the like sum current money) to be paid to the said John Savin & John Mahin when afterwards he should be thereunto required. Nevertheless the aforesaid Benjamin (altho' often thereunto required) the aforesaid sum of Three hundred pounds specie or the value thereof to them, the said John Savin & John Mahin hath not rendered or paid but the same or the value thereof, to them to render or pay he hath altogether wholy refused, and still doth refuse, wherefore they say they are worse and have damage to the value of Ten pounds current money aforesaid, and therefore he brings Suit &c. & brings here into Court the writing obligatory aforesaid, sealed with the seal of the said Benjamin, which the Debt aforesaid in form aforesaid witnesseth whose date is the day and year aforesaid.

David for plffs. pledges Mr. Doe & Richd. Roe —

And the said John Savin & John Mahin by their attorney aforesaid prays that the said Benjamin Benson junior, to their Declaration aforesaid against him may answer, And the aforesaid Benjamin Benson junior by his attorney aforesaid produced to the Court here, the following Writ of Habeas Corpus, closed in the following words & figures, towit; The State of Maryland, To the Chief Justice and his associates, Justices of Cecil County Court, and to the Sheriff of Cecil County Greeting: Whereas a certain Benjamin Benson junior is detained in the prison of our said County, under the Custody of you our said Sheriff, at the suit of a certain John Savin & John Mahin of a plea of Debt &c. which said plea as it is said state depends before you our said Justices undetermined, and we being willing for divers causes that the plea aforesaid, undetermined as it is should be heard and determined before the Judges of our General Court; We therefore Command you that you have the body of the said Benjamin Benson junior, by whatsoever name or names he may be called in the plea aforesaid, together with the cause of his Caption & detention & all things thereunto relating, before the Judges of our General Court, to be held for the Eastern Shore of this State, at Easton, in Talbot County the second Tuesday of April next that the Judges of our said General Court may further proceed thereon as to Justice appertains and so forth. Hereof fail not at your peril and have you then and there this writ. Witness the Honorable Robert Goldsborough Esquire Chief Judge of our said Court the 13th day of September 1797. Issued the 1st day of February 1798. Wm. Wm. Baxter Clk.

It is thereupon ordered by the Court here, that all things relating to the premises be transmitted accordingly. Test Wm. Baxter Clk.