when &c: and prayed liberty of Imparling thereof untill the Second Tuesday in November then next following and he had it &c: the same day was given to the aft: John &c: at which day he came as well the aft: John by his attorney aft: as the aft: Isaac by his Attorney aft: And the aft: Isaac Prays further Liberty of Imparling thereof untill the Second Tuesday in March then next following and he had it &c: the same day was given to the aft: John &c: At which day he came as well the aft: John by his attorney aft: as the aft: Isaac by his attorney aft: and the aft: Isaac Prays further liberty of Imparling thereof untill the Second Tuesday in June then next following and he had it &c: the same day was given to the aft: John &c: And now here at this day came the Parties aft: by their Attorneys aft: And the aft: John Prays that the aft: Isaac to his declaration aft: may Answer And the aft: Isaac by James Telghman his attorney comes and Defends the force and Injury when &c: and saith that he is not in any fort Guilty of the Premisses above upon him Imposed in ou manner and form as the aft: John above by Declaring hath alledged and of this he Puts himself upon the Country &c: and the Plantiff thereof also

Whereupon the aft: Isaac Lee Produceth to the Court here the Right Honourable the Lord Proprty his writ of Habeas Corpus the Tenor whereof Ensues in these Words and Figures following

Maryland ss: Charles Absolute Lord and Proprty of the Province of Maryland and Avalon Lord Baron of Baltimore &c: To the Justices and Sheriff of Dorchester County Greeting Whereas a Certain Isaac Lee is detained in the Prison of our said County under the Custody of you our said Sheriff at the Suit of a Certain John Sedew which said Plea and is and still depends before you our said Justices Undetermined And we being willing for divers causes that the Plea aft: Undetermined as aft: should be heard and Determined before the Justices of our Provincial Court Therefore Command you that you have the Body of the said Isaac Lee by whatsoever Name he be called in the Plea aft: together with the day and cause of his taking and Detainer and all things thereunto relating before the Justices of our Provincial Court to be held at Annapolis the Second Tuesday of September next that our said Justices of our Provincial Court may further Proceed therein as to Justice appertains &c: hereof fail not at your Peril and have you then and there this Writ Witness Benj: Young Esq: Chief Justice of our Provincial Court the 1st: day of May in 37th: year of our Dominion &c: Anno Domini 1751

Issued May 8th 1751 (J Telghman) R Burdus Clk

allowed per Geo Stewart

Which being read and heard is by the Court allowed of and by the same Court it is Ordered that the Record and Proceed aft: together with the Proceedings thereto relating be Transmitted accordingly before the Right Honourable the Lord Proprty his Justices of the Provincial Court to be held at Annapolis the Second Tuesday in September next

In Testimony whereof I hereto set my hand and affix the Publick Seal of Dorchester County aft: this third day of August Anno Dominie 1751

Dorchester Cty Courts Seal

John Caile Cl Dorch Cty

(And)

And now here to wit at this day the Second Tuesday of September being the 10th day of the same Month Anno Dom: 1751 comes into this Lordships Provincial Court here as well the said John Sedew by Charles Goldsborough his Attorney as the aft: Isaac Lee by James Telghman his Attorney Whereupon the said John Sedew by his Attorney Prays Judgment for Damages and Cost of Suit for that the said Writ of Habeas Corpus Issued Erroneously

Whereupon all and singular the Premisses being by the Court here seen heard fully understood and mature deliberation thereupon had for that it seems to the Court here that the Writ of Habeas Corpus aft: Issued Erroneously and ought

Therefore it is considered by the Justices of the Court of Dorchester that they Proceed in the Action aft: as if the said Writ of Habeas Corpus had not Issued any thing in the said Writ Contained to the Contrary Notwithstanding

And the said John Sedew by his Attorney aft: prays Judgment for his Cost and Charges Accruing by Occasion of the Premisses aft: Therefore it is considered by the Justices here that the said John Sedew recover against the said Isaac Lee the sum of

668 3/4 Pounds of Tobacco by the Court here unto him the said John Sedew on his Assent Adjudged for his Costs and Charges by him in this behalf Laid out and Expended by Occasion of the Premisses aforesaid &c:

Test R Burdus Clk

D.D. William Innes
a
Ralph Falkner & John Muschett

Memorandum the Plantiff sued out his Lordships Writ of Attachment the Tenor whereof follows in these words (Viz:)

Maryland ss: Charles Absolute Lord and Proprty of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c: To the Sheriff of Charles County Greeting We command you that you Attach of the Goods Chattels Rights or Credits Lands and Tenements of Ralph Falkner and John Muschett late of Charles County Merchants if they shall be found in your Bailiwick to the Value of eighty eight Pounds eight shillings sterling money and ten thousand Pounds of Tobacco and when you have the same so attached, or any Part thereof, the same in your Custody safe keep so that you have the Same before the Justices of our Provincial Court to be held at Annapolis the second tuesday of September next then and there to be condemned according to Act of Assembly to and for the Use of a certain William Innes Merchant in London unless they the said Ralph Falkner and John Muschett by themselves or their Attorney shall appear and answer unto the said William Innes of a Plea of Debt according to Law and that by good and Lawfull Men of your Bailywick you make known unto the Person or Persons in whose hands you make the Same Attachment that he she or they be and appear before the Justices of our Provincial Court to be held as aforesaid to shew Cause if any he she or they have, why the same Goods Chattels Rights or Credits Lands and Tenements so attached in his her or their Hands, ought not to be condemned and Execution thereof had and made according to the Directions of the Act of Assembly in that case made and Provided all if to

(them)