April Term 1762

Baltimore and so forth To the Justices and Sheriff of Ann Arundel County Greeting
Whereas a certain John Elliott is detained in the Prison of our said County under the
Custody of you our said Sheriff at the Suit of a certain Nicholas Maccubbin of a plea
of Trespass upon the Case which said Plea or it is said Shall depend before you our said
Justices undetermined And we being Willing for divers Causes that the plea aforesaid
undetermined as aforesaid Shall be heard and determined before the Justices of our provincial
Court therefore we Command you that you have the Body of the said John Elliott
by whatever name he be Called in the plea aft together with the day and Cause of his
Caption and detainer and all things thereunto belonging before the Justices of our
Provincial Court to be held at Annapolis the Second Tuesday of April next that our
said Justices may further proceed therein as to Justice appertains and so forth
Hereof fail not at your Peril and have you then and there this Writ
Witness John Brice Esqr. Chief Justice of our said Court the 26th day of September
in the 11th year of our Dominion and so forth And in the Year of our Lord
Seventeen hundred and Sixty one Reverdy Ghiselin Clk

Allowed p John Brice (I Hall)

Which being Read and heard is allowed of and the Record and Proceedings
together with all things thereunto relating are Ordered to be Transmitted to the
next Provincial Court Test John Brice Clk

L S In Testimony whereof that the aforegoing is the Tenor of the Proceedings
in the plea aft inrolled in Ann Arundel County Court aft the Seal of the
same Court is hereunto affixed this Twenty Second day of March Seventeen
Hundred and Sixty two John Brice Clk of aa Co aft

Whereupon the said parties by their attorneys aft appear and the said
Defendant offers himself Ready against him the said Nicholas Maccubbin
in the plea aft But the said Nicholas Maccubbin althô Solemnly called
comes not but makes default nor does he further Prosecute his Writ aft in the
plea aft against the said Nicholas Maccubbin

Therefore it is Considered by the Justices here that the said Nicholas
Maccubbin take nothing by his Writ aft but be in mercy for his false Clamour
and that the aft John Elliott go thereof without Day and so forth

And it is also considered that the aft John Elliott do recover against the
said Nicholas Maccubbin the Sum of Pounds of Tob:
for his Cost and Charges by him about his Defence in this behalf laid out and
Expended, and the aft plaintiff in Mercy &c

Test Reverdy Ghiselin Clk

Nicholas Maccubbin
for the use of Henry Carroll
a
John Ijams Junr.

Memorandum The Defendant
Sued out his Lordships Writ of Habeas
Corpus the Tenor whereof follows in
these Words to wit

Marylt

April Term 1762

Maryland ss. Frederick absolute Lord and Proprietary of the Province
of Maryland and Avalon Lord Baron of Baltimore and so forth to the Justices & Sheriff
of Ann Arundel County Greating Whereas a certain John Ijams Junr. is detained in the
Prison of our said County under the Custody of you our said Sheriff at the Suit of a certain
Nicholas Maccubbin of a plea of Trespass upon the Case which said plea or it is said
Still depends before you our said Justices undetermined and we being Willing for divers
Causes that the plea aft undetermined as aft Shall be heard and determined before the
Justices of our Provincial Court therefore we Command you that you have the Body
of the said John Ijams Junr. by whatsoever name he be called in the plea aforesaid
together with the day and cause of his Caption and detainer and all things thereunto belong
before the Justices of our Provincial Court to be held at Annapolis the Second Tuesday
of April next that our said Justices may further Proceed therein as to Justice appertains
and so forth Hereof fail not at your Peril and have you then and there this Writ
Witness John Brice Esqr. Chief Justice of our Provincial Court the 26th day of September
in the 11th year of our Dominion and so forth And in the Year of our Lord Seventeen
hundred and Sixty one

Issued the 12th day of March 1762 (I Hall) Reverdy Ghiselin Clk

Allowed p John Brice

And now here at this Day to wit the Second Tuesday of April 1762 The Justices and
Sheriff of Ann Arundel County return to the Court here the following Record Viz

In the Records and Proceedings of Ann Arundel County Court amongst other
things therein contained is as follows Viz. Ann Arundel County ss

At a County Court of the Right Worthy Frederick absolute Lord and Proprietary of the
Provinces of Maryland and Avalon Lord Baron of Baltimore and so forth Begun and held
at the City of Annapolis in and for the County aft on the Second Tuesday of March being the
Ninth day of the same Month in the Eleventh Year of the said Lord Proprietys Dom. & Annoq
Domini Seventeen hundred and Sixty two

Were present

The Worpful { Henry Hall Gent Presiding Justice
John Ijams Ephraim Howard
Reverdy Ghiselin, William Stewart
& Caleb Dorsey Junr. } Gent Justices

Henry Johns Gent Sheriff — and John Brice Clk

Nicholas Maccubbin
for the use of Henry Carroll
a
John Ijams Junr.

Command was given to the Sheriff of
Ann Arundel County that he Should take
John Ijams Junr. late of aa County Planter
if he Should be found in his Bailiwick and
him Should safe keep So that he might have his Body before his Lordships Justices
of Ann Arundel County Court to be held at Annapolis the Second Tuesday of March then
next to Answer unto Nicholas Maccubbin in a plea of Trespass upon the Case
and so forth And that thereof he the said Sheriff Should not fail at his peril &

at