Alexander Anderson (against) John Nelson

Memorandum The Defendant by Thomas Johnson his attorney sueth out his Lordships writ of Habeas Corpus the tenor whereof follows in these words to wit

Frederick absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore and so forth To the Justices of Maryland and Avalon and Sheriff of Ann Arundel County greeting Whereas a certain John Nelson is detained in the Prison of our said County under the Custody of you our said Sheriff at the Suit of a certain Alexander Anderson of a plea of Trespass upon the Case which said plea as it is said still depends 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 Nelson by whatsoever name he be called in the plea aforesaid together with the day and cause of his Caption and Detainer all things whatsoever relating 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 & so forth Hereof fail not at your Peril and have you then and there this writ Witness John Bruce Esq. Chief Justice of our said Provincial Court the 6th day of Oct in the 12th year of our Dominion & so forth and in the year of our Lord Seventeen hundred and sixty two

Issued the 11th day of November 1762. (Thos Johnson) Reverdy Ghiselin Clk

allowed per Jno Bruce

At which said Second Tuesday of April to wit the twelfth day of the same month Anno Domini 1763 being the day of the return of the aforegoing writ the Justices and Sheriff of Ann Arundel County in Compliance with the same writ make now return thereof to the Court here with the following Record thereto annexed to wit

Ann Arundel County ss. At a County Court begun and held at the City of Annapolis in and for the County aforesaid on the Second Tuesday of November being the ninth day of the same month in the twelfth year of the Dominion of the Right Hon.ble Frederick absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore and so forth and in the year of our Lord Christ one thousand seven hundred and sixty two

Were present

The Worshipful Reverdy Ghiselin Gent Chief Justice, John Ijams, John Worthington, Caleb Dorsey Jun.r, John Burgess Jun.r, John Bruce Clerk } Gentlemen Justices

Rinsey Johns Gent Sheriff and

In the Record and Proceedings of the said Court amongst the things as contained as follows to wit

Alex.r Anderson (against) John Nelson } Command was given to the Sheriff of Ann Arundel County that he should take a John Nelson late of Ann Arundel County Mariner if he should be found in his Bailiwick and him safe keep so that he might have his Body

(Before)

Before the Justices of Ann Arundel County Court to be held at Annapolis the second Tuesday of November then next to answer unto Alexander Anderson in a plea of Trespass upon the Case &c. and that thereof he the said Sheriff should not fail at his peril &c

At which said Second Tuesday of November to wit the tenth day of the same month and the year of our Lord one thousand seven hundred and sixty one being the day of the return of the aforegoing writ Comes the said Alexander Anderson by John Hall his attorney and the said Sheriff to wit Rinsey Johns Gent by whom the same writ was directed likewise Comes and makes return thereof to the Court here thus Endorsed to wit Cepi Rinsey Johns Shff

Whereupon the said John Nelson being called appears and at the prayer of the Plaintiff by his attorney aforesaid it is ruled that the said John Nelson give special Bail to the action aforesaid and thereupon a certain Samuel Galloway of the County aforesaid Gent present here in Court undertakes for the said John Nelson that in case the said Alexander Anderson shall recover Judgment against the said John Nelson in the plea aforesaid or that he the said John Nelson shall be thereon legally convict that then he the said John Nelson shall pay the Condemnation of the Court thereupon or render his Body into the Custody of the Sheriff of Ann.l County in satisfaction thereof or that he the said Samuel Galloway will do the same for him — And thereupon at the prayer of the said John Nelson by Thomas Johnson Jun.r his attorney it is ruled that the said Alexander Anderson give Security for Costs in the plea aforesaid thereupon the said John Hall attorney for the said Alexander Anderson undertakes for the said Alexander Anderson that in case the said Alexander Anderson shall be nonsuit in the plea aforesaid or otherwise therein legally cast that then he the said Alexander Anderson shall pay to the said John Nelson all the Costs and Charges which hath accrued or shall arise in his Defence in the plea aforesaid or that he the said John Hall will do the same for him —

And thereupon the said Alexander Anderson declares against the said John Nelson in the plea aforesaid as follows to wit

Ann Arundel County ss. John Nelson late of Ann Arundel County mariner was attached to answer unto Alexander Anderson of a plea of Trespass upon the Case &c. and whereupon the said Alexander by John Hall his attorney Complains that whereas the aforesaid John Nelson on the Eighteenth day of August Seventeen hundred and Sixty one at Ann Arundel County aforesaid was Indebted unto him the said Alexander in the Sum of Twenty Seven Pounds ten Shillings sterling money for One Article properly chargeable in account as by a particular Account thereof therewith into Court brought may appear and being so thereof Indebted the aforesaid John Nelson afterwards to wit on the day and year aforesaid at the County aforesaid in Consideration thereof upon himself assumed and to the said Alexander then and there faithfully promised that he the said John Nelson

(The)