Elizabeth Stake
wife of Thomas B. Heynson —
vs
Matthew Hawkins

Be it remembered, that now here in the last Monday in November being the twenty seventh day of the said Month in the year of our Lord One thousand eight hundred and twenty the Chief Judge and associate Judges of the second Judicial District of Maryland, in pursuance of the directions of the act of Assembly in such Case made and provided, transmit to the Court of Appeals here the record of proceedings of a plea which was lately depending before them in the County Court of Queen Anns between Thomas E Stake & wife Plaintiffs, and Matthew Hawkins defendant, and wherein the said County Court gave Judgment for the said Thomas E. Stake & wife against the said Matthew Hawkins and from which said Judgment the said Matthew Hawkins appealed to the Court of Appeals here, the Tenor of which said record of proceedings is in form following to wit,

"Maryland Queen Anns County, to wit, At a County Court of the second Judicial District of the State of Maryland begun & held at Centre Ville, in and for Queen Anns County aforesaid on the first Monday of May, it being the first day of the same month in the year Eighteen hundred and twenty and in the forty fourth year of the Independence of the United States of America.

Were Present,

The Honble Richard Tilghman Earle Esquire Chief Judge.
Samuel Purnell and Thomas Worrell Esquires Associate Judges.
Nathan Batton Esquire Sheriff. Thomas Murphey Clerk. —

In the record of proceedings of the same Court, among other things are the following to wit,

Thomas E Stake & Elizabeth his wife formerly Elizabeth Hawkins use of Henry Page against Matthew Hawkins.

Be it remembered that heretofore to wit on the sixth day of March in the year Eighteen hundred & nineteen Thomas E Stake and Elizabeth his wife, formerly Elizabeth Hawkins by Ezekiel F. Chambers their Attorney prosecuted and sued forth out of the County Court here the Writ of the State of Maryland of Capias ad respondendum against the said Matthew Hawkins directed to the Sheriff of Queen Anns County in the words and of the tenor following to wit,

Queen Anns County sc. The State of Maryland To the Sheriff of Queen Anns County
Seal. Greeting: You are hereby commanded to take Matthew Hawkins late of Queen Anns County, if he shall be found in your bailiwick and him safely keep so that you have his body before the County Court to be held at Centre Ville in and for Queen Anns County on the first Monday of May next to Answer unto Thomas E Stake and Elizabeth his wife formerly Elizabeth Hawkins in a plea that he render unto them the sum of Eight hundred and ninety one dollars and seventy two cents Current Money which to them he owes, and from them he unjustly detains and so forth. Hereof fail not at your peril and have you then & there this writ. Witness the Honorable Richard Tilghman Earle Esquire Chief Judge of the County Courts in the second Judicial District the 19th day of October in the year of our Lord eighteen hundred and eighteen. Issued this 8th day of March 1819. Thos. Murphey Clk. —

At which said first Monday of May being the third day of the same Month in the year Eighteen hundred and nineteen, and the return day of the aforegoing writ, Comes into Court here the said Thomas E Stake and Elizabeth his wife formerly Elizabeth Hawkins by their Attorney aforesaid and the Sheriff of Queen Anns County aforesaid to wit, Nathan Batton Gentleman, to whom the said Writ was in form aforesaid directed makes return thereof to the Court here thereon thus endorsed to wit, Queen Anns County to wit, By virtue of this writ to me directed, I have taken the within named Matthew Hawkins whose body I have ready before the County Court within named at the day & place within contained as I am within commanded. N. Batton Shff.

And the said Matthew Hawkins being called appears in Court here by William Carmichael his Attorney and thereupon on Motion of the said Thomas E Stake and Elizabeth his wife by their Attorney aforesaid it is ordered by the Court here that the said Matthew Hawkins give special bail in the plea aforesaid or in default thereof be committed to the Custody of the Sheriff of Queen Anns County aforesaid. Whereupon a Certain George Finly of Queen Anns County Gentleman

present here in Court in his proper person, and with the Consent of the said Thomas E Stake & Elizabeth his wife by their Attorney aforesaid undertakes for the said Matthew Hawkins, that in Case the aforesaid Thomas E Stake and Elizabeth his wife shall recover judgment against the said Matthew Hawkins in the plea aforesaid or that the said Matthew Hawkins shall be thereon legally Convicted that then the said Matthew Hawkins shall pay the Condemnation of the Court thereupon or render his body to the Custody of the Sheriff of Queen Anns County in satisfaction thereof or that he the said George Finly will do the same for him. And the said Matthew Hawkins by his Attorney defends the force and injury when and so forth & prays leave of the Court here to imparle until the third Monday of October next and he hath it, the same day is given to the said Thomas E Stake & Elizabeth his wife also. At which said third Monday of October being the Eighteenth day of the same Month in the year Eighteen hundred and nineteen to which said day the said Matthew Hawkins had leave to imparle, Comes again into the County Court here as well the said Thomas E Stake & Elizabeth his wife by their Attorney aforesaid as the said Matthew Hawkins by his Attorney aforesaid. And thereupon the said Matthew Hawkins by his Attorney prays that the said Thomas E Stake and Elizabeth his wife may declare against him the said Matthew Hawkins in the plea aforesaid: Whereupon it is ruled by the Court here that the said Thomas E Stake and Elizabeth his wife declare against the said Matthew Hawkins in the plea aforesaid and if the said Thomas E Stake and Elizabeth his wife do not declare against the said Matthew Hawkins in the plea aforesaid judgment will be rendered against them by default and the said Thomas E Stake and Elizabeth his wife by their said Attorney prays leave of the Court here to imparle until the first Monday of May next to declare against the said Matthew Hawkins in the plea aforesaid and they hath it, the same day is given to the said Matthew Hawkins also: At which said first Monday of May being the first day of the same Month in the year Eighteen hundred and twenty, until which said day the said Thomas E Stake and Elizabeth his wife had leave to imparle and then to declare against the said Matthew Hawkins in the plea aforesaid, Comes into Court here as well the said Thomas E Stake and Elizabeth his wife by their Attorney aforesaid as the said Matthew Hawkins by his Attorney aforesaid and the said Thomas E Stake and Elizabeth his wife by their said Attorney declares against the said Matthew Hawkins in the plea aforesaid as follows that is to say. Queen Anns County sc. Matthew Hawkins late of Queen Anns County was summoned to Answer unto Thomas E Stake and Elizabeth his wife formerly Elizabeth Hawkins in a plea that he render unto them the sum of eight hundred and ninety one dollars and seventy one cents Current Money which to them he owes and from them he unjustly detains &c. And whereupon the said Thomas and Elizabeth by E. F. Chambers their Attorney say that whereas the said Matthew while the said Elizabeth was sole, on the eighth day of December One thousand eight hundred and seventeen at Queen Anns County aforesaid, by his Certain bill Obligatory did promise and oblige himself six months after the date of the said bill obligatory to pay to the said Elizabeth the said sum of eight hundred and ninety one dollars and seventy two cents for value received Never the less the said Matthew although often that is to say, on the eighth day of June in the year eighteen hundred and eighteen and often afterwards at the County aforesaid thereto requested, the said sum of Current Money or any part thereof to the said Elizabeth whilst she was sole, or to the said Thomas and Elizabeth or either of them since the espousals between them celebrated hath not rendered or paid, but to pay the same sum of Current Money or any part thereof to the said Elizabeth whilst she was sole or to the said Thomas and Elizabeth or either of them since their intermarriage the said Matthew hath wholy refused and still doth refuse to pay the same or any part thereof to the said Thomas and Elizabeth or either of them to their damage in the sum of One thousand dollars, and therefore this suit is brought and the said Thomas and Elizabeth bring here into Court the Bill obligatory aforesaid sealed with the seal of the said Matthew the date whereof is the day and year aforesaid and which testifies the debt aforesaid in form aforesaid &c. —

Ezekl. F. Chambers Plffs Atty. Pledges &c. Jno. Doe & Richd. Roe. —

Over of the bill obligatory mentioned in the declaration is as follows. Six Months after date I promise and oblige myself my heirs, executors, administrators or assigns to pay Elizabeth Hawkins the sum of Eight hundred and ninety one dollars and seventy two cents for value rec. Witness my hand and seal this 8th Decr. 1817. $891.72. Test Wm. Patterson. M. Hawkins (Seal)

And thereupon the said Thomas E Stake and Elizabeth his wife by their Attorney aforesaid prays that the said Matthew Hawkins may answer to the declaration of them the Thomas E Stake & Elizabeth his wife in the plea aforesaid. Whereupon it is ruled by the Court here that the said Matthew Hawkins answer to the declaration of the said Thomas E Stake and Elizabeth his wife in the plea aforesaid