Court here for his damages costs and charges which he hath sustained by occasion of the delay of the execution of the Judgment aforesaid by the pretence of the prosecution of the said appeal by them the said Alexander & William R. Stuart of and upon the premises aforesaid prosecuted. — Memorandum Judgment affirmed June the 6th 1815.

Test James Parrott Clk

John Hudson, use of Peregrine Cooper against Frederick Wilson & Alexander Stuart

Be it remembered that on the first Monday of June eighteen hundred and fourteen, the Chief Justice and Associate Justices of Kent County Court, in pursuance of the act of assembly in such case made and provided, transmit to the Court of Appeals here, the record and proceedings of a plea which was lately depending before them in the said County Court, between John Hudson plaintiff, and Frederick Wilson and Alexander Stuart, defendants, and wherein the said County Court gave Judgment for the said John Hudson, against the said Frederick Wilson and Alexander Stuart, and from which said Judgment the said Frederick Wilson prays an appeal unto the Court of Appeals here, the tenor of which said record & proceedings is in form following, to wit. Maryland, Kent County to wit. At a County Court of the second judicial District of the State of Maryland begun and held at the Court house in the Town of Chester, in and for Kent County aforesaid on the third Monday of March, being the twenty first day of the same month, in the year of our Lord one thousand eight hundred and fourteen, and in the thirty eighth year of the Independance of the United States of America — Were Present — The Honble Richard Earle, Esquire, Chief Judge — Samuel Purnell and Thomas Worrell, Esquires associate Judges.

Edward Brown Esquire Sheriff and Benjamin Chambers Clerk.

In the record & proceedings of the said Court amongst other things were the following to wit

John Hudson for the use of Peregrine Cooper — vs — Alexander Stuart & Frederick Wilson

Be it remembered that heretofore to wit, on the twenty fifth day of February in the year of our Lord one thousand eight hundred and thirteen, the said John Hudson by Joseph Wickes the fourth Esquire his attorney, prosecuted and sued forth out of Kent County Court here, the Writ of the State of Maryland of Capias, ad respondendum directed to the Sheriff of Kent County aforesaid, in the words and figures of the tenor following to wit. Kent County set. The State of Maryland. To the Sheriff of Kent County, Greeting:

(Seal of Kent County Court impressed)

You are hereby commanded to take Frederick Wilson and Alexander Stuart late of Kent County if they shall be found in your bailiwick & them safe keep so that you have their bodies before the County Court to be held at the Court house in the Town of Chester in and for the said County of Kent on the third Monday of March next, to answer unto John Hudson in a plea that they render unto him the sum of One hundred and sixty Dollars current money which to him they owe and unjustly detain &c. Nevertheless not at your peril and have you then and there this Writ, Witness the honorable Richard Earle Esquire Chief Judge of the said County Court the 28 day of September anno Domini 1812. Issued this 25 day of February anno Domini 1813. Ben Chambers Clk

At which mentioned third Monday of March in the year eighteen hundred and thirteen and the day of the return of the said aforegoing Writ, comes into the County Court here the said John Hudson by his attorney aforesaid, and the Sheriff of Kent County aforesaid to wit. Edward Brown Gentleman, to show the said aforegoing Writ was in form aforesaid duly served & make return thereof to the Court here, thus endorsed to wit. Kent County set. I hereby certify to the honorable the County Court within mentioned that I have taken the within named Frederick Wilson whose body I have ready before the County Court within mentioned at the day and place within mentioned as by the said Writ I am commanded, but that the said Alexander Stuart is not to be found within my bailiwick so that I could not

have his body before the said County Court at the day and place within contained as by the said Writ I am likewise commanded. So answers Edward Brown Shff.

Nevertheless the said Alexander Stuart by Ezekiel F. Chambers Esquire his Attorney voluntarily comes into Court here and defends the force and injury when &c. and the said Frederick Wilson being called likewise comes into Court here by the same Attorney, whereupon on motion of the said John Hudson by his Attorney aforesaid it is ruled by the Court here that the said Frederick Wilson & Alexander Stuart give special bail in the plea aforesaid. Whereupon a certain William R. Stuart of Kent County comes here into Court in his proper person (and with the consent of the said John Hudson by his said Attorney) becomes pledge & bail for the said Frederick Wilson & Alexander Stuart, that if it shall happen that the said Frederick Wilson and Alexander Stuart shall be convicted at the suit of the said John Hudson in the plea aforesaid then the said William R. Stuart consents, that of the debt aforesaid as also such damages costs and charges as shall be adjudged unto the said John Hudson in this behalf shall be made of his body lands and chattels and levied to the use of the said John Hudson, & if it shall happen that the said Frederick Wilson and Alexander Stuart shall not pay the said debt, damages costs and charges or render themselves to the prison and custody of the Sheriff of the County aforesaid on that occasion. Thereupon on motion of the said Frederick Wilson and Alexander Stuart by their Attorney aforesaid it is ruled by the Court here that the said John Hudson declare against the said Frederick Wilson & Alexander Stuart in the plea aforesaid or Judgment by the Court here will be rendered against them on default thereof. And the said Frederick Wilson and Alexander Stuart by their Attorney aforesaid pray leave of the Court here to imparle until the third Monday of September next and to them it is granted, the same day is given to the aforesaid John Hudson also. At which mentioned third Monday of September in the year eighteen hundred and thirteen, and to which said day the said Frederick Wilson and Alexander Stuart had leave to imparle came again into the County Court here the parties aforesaid by their Attorneys aforesaid and the said John Hudson by his Attorney aforesaid now declares in the Court here against the said Frederick Wilson and Alexander Stuart in the plea aforesaid and in manner & form following, to wit. Kent County set. Frederick Wilson and Alexander Stuart were summoned to answer unto John Hudson in a plea that they render unto him the sum of One hundred and sixty Dollars, current money which to him they owe and unjustly detain &c.

And whereupon the said John by Joseph Wickes the 4th his Attorney, complains that whereas the said Frederick and a certain Alexander Stuart late of Kent (which said Alexander on the Writ of the State of Maryland of Capias ad respondendum issued out of Kent County Court here at the suit of the said John and to the Sheriff of Kent County directed was returned by the said Sheriff that he was not to be found within the bailiwick of the said Sheriff on the seventeenth day of June in the year eighteen hundred and eleven at Kent County aforesaid by their certain Bill obligatory acknowledged them selves to be held and firmly bound unto him the said John in the said sum of One hundred and sixty dollars current money, to be paid to him the said John when afterwards be thereunto required. Nevertheless the said Frederick and Alexander before the return of the Sheriff aforesaid or the said Frederick, since the said return altho' often thereunto required, the said sum of One hundred and sixty dollars current money to him the said John have not rendered or paid, but the same sum of one hundred and sixty dollars current money to him the said John hitherto to render or pay they have altogether refused, and the said Frederick still doth refuse, wherefore the said John saith he is the worse and hath damage to the value of three hundred Dollars current money, and therefore he brings his suit and sorrows. And the said John brings here into Court the bill obligatory aforesaid sealed with the seals of the said Frederick and Alexander which testify the debt aforesaid in form aforesaid the date whereof is the same day and year aforesaid &c. &c.

Joseph Wickes 4th Atty for Plff. pledges &c. John Doe & Richard Roe