William Strong against Thomas Eccleston & Richard Graves & William Bowers

Be it Remembered that on the last Monday of May eighteen hundred and fifteen the Chief Justice and Associate Justices of Kent County Court, in pursuance of an Act of the General Assembly in such case made & 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 William Strong Plaintiff and Thomas Eccleston, defendant, and wherein the said County Court gave judgment for the said William Strong against the said Thomas Eccleston, and for the amount of which said judgment, so rendered, the said Thomas Eccleston, together with a certain Richard Graves and William Bowers appeared before James Hodges, Junior and Richard Ringgold, two of the Justices of the peace in and for Kent County aforesaid, & did confess judgment to the said William Strong, to be levied of their bodies goods and chattels lands and tenements for the use of the said William Strong in case the said Thomas Eccleston should not pay & satisfy to the said William Strong the amount of the said Judgment & Costs — and from which said judgment so confessed the said Thomas Eccleston, Richard Graves and William Bowers prayed an appeal unto the Court of Appeals here, the tenor of which said Record & proceedings is in form following, to wit. Maryland Kent County sc. 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 & for Kent County aforesaid on the third Monday of September being the twenty first day of the same month in the year of our Lord One thousand eight hundred and thirteen and the forty eighth year of the Independance of the United States of America.

Present. The Honorable Richard Tilghman Earle Esquire Chief Judge. Samuel Purnell & Thomas Worrell Esquires, Associate Judges. Edward Browne, Esquire Sheriff. Benjamin Chambers, Clerk.

Among the Records & proceedings of the said Court are the following, to wit.

William Strong v. Thomas Eccleston & Richard Graves & William Bowers

Be it Remembered that heretofore, to wit, on the seventh day of September in the year of our Lord One thousand eight hundred & thirteen the said William Strong by Ezekiel F. Chambers 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 in the words and figures following to wit.

Kent County, to wit. The State of Maryland. To the Sheriff of Kent County, Greeting: (Seal of Kent County Court) You are hereby Commanded to take Thomas Eccleston, late of Kent County, if he shall be found in your bailiwick, and him safe keep, so that you have his body 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 September next, to answer unto William Strong in a plea that he render unto him the sum of eighty one dollars current money which to him he owes and unjustly detains &c. Herein fail not at your peril and have you then and there this Writ. Witness the Honorable Richard Tilghman Earle, Esquire Chief Judge of the said County Court the 15th day of March Anno Domini 1813. Sealed this 7 day of September Anno Domini 1813. Benj. Chambers, Clk.

Which mentioned third Monday of September, it being the twentieth day of the same month in the year of our Lord one thousand eight hundred and thirteen, & the day of the return of the aforegoing Writ, comes into Kent County Court here the said William Strong by Ezekiel F. Chambers his Attorney aforesaid, and the Sheriff of Kent County aforesaid to wit Edward Brown, Gentleman, to whom the said foregoing Writ was in form aforesaid directed, makes return thereof to the Court here thus endorsed to wit — Kent County sc. By virtue of this writ to me directed I have taken the within named Thomas Eccleston whose body I have ready before the County Court within named at the day & place within contained, as I am within commanded. — Edward Brown Shff.



And the said Thomas Eccleston by William Barroll his Attorney appears in Court here & thereupon on motion of the said William Strong by his Attorney aforesaid it is ruled by the Court here that the said Thomas give special bail in the plea aforesaid. Whereupon a certain Richard Graves of Kent County aforesaid comes here into Court in his own proper person and with the consent of the said William Strong by his Attorney aforesaid becomes pledge and bail for the said Thomas that if it shall happen that the said Thomas shall be convicted at the suit of the said William in the plea aforesaid, then the said Richard Graves consents that of the debt aforesaid as of such damages, costs & charges as shall be adjudged to the said William in this behalf shall be made of his body lands and chattels and levied to the use of the said William, if it shall happen that the said Thomas shall not pay the said debt, damages, costs & charges or render himself to the prison & custody of the Sheriff of Kent County aforesaid on that occasion, and thereupon on motion of the said Thomas by his Attorney aforesaid it is ruled by the Court here that the said William declare against the said Thomas in the plea aforesaid or judgment by the Court here will be rendered against him in default thereof; And the said Thomas by his Attorney aforesaid prays leave to imparle until the third Monday of March next and to plead &c. granted, the same day is given to the said William — All which said 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, comes again into Court here the parties aforesaid by their Attorneys aforesaid, and the said William by his Attorney aforesaid declares against the said Thomas in the plea aforesaid in form following to wit. Kent County, to wit. Thomas Eccleston late of Kent County was summoned to answer unto William Strong in a plea that he render unto him the said William Strong the sum of eighty one dollars current money of the State of Maryland which he owes to and unjustly detains from him the said William. And Whereupon the said William by Ezekiel F. Chambers his Attorney saith that Whereas the said Thomas on the twelfth day of April in the year eighteen hundred and eleven at Kent County aforesaid by his certain bill obligatory bound himself to pay unto him the said William the sum of eighty one Dollars by or upon the twelfth day of October next ensuing the date of the said Bill with Interest thereon from the date thereof: Nevertheless the said Thomas the said sum of eighty one Dollars with Interest thereon due to him the said William hath not rendered & paid, altho' so to do the said Thomas afterwards that is to say on the twelfth day of October next ensuing the date of the said Bill and often afterwards at the County Court aforesaid, was by the said William requested, but the same or any part thereof to him the said William to render or pay the said Thomas hath hitherto wholly refused and still doth refuse, whereby the said William saith he is the worse & hath damage to the value of one hundred Dollars current money, and therefore he brings his suit and so forth — And the said William brings here into Court the Bill obligatory aforesaid, sealed with the seal of the said Thomas which testifies the Debt aforesaid in form aforesaid the date whereof is the day and year aforesaid and so forth —

Ezek. F. Chambers Plfs Atty. pledges &c. John Doe & Richard Roe —

Oyer of the Writing Obligatory whereof mention is made in the aforegoing Declaration, ensues in the following words to wit — WE do jointly and severally promise and oblige ourselves our heirs Executors & Administrators to pay or cause to be paid unto William Strong, or to his certain Attorney, heirs Executors Administrators or Assigns the sum of eighty one Dollars by or upon the 12th of October next, with Interest it being for value received. Witness our hands and seals this 12th April 1811. — William S. Kendall (Seal) Thos. Eccleston (Seal) Test Mich. Miller.

And thereupon on motion of the said William by his Attorney aforesaid it is ruled by the Court here that the said Thomas answer to the Declaration aforesaid of the said William in the plea aforesaid or Judgment by the Court here will be entered against him in default thereof: And the said Thomas by his Attorney aforesaid prays leave of the Court here further to imparle until the third Monday of September next, and then to answer to the Declaration aforesaid of the said William in the plea aforesaid, and to him it is