money to the said Samuel when he the said Benjamin should be by the said Samuel requested so to do. Nevertheless the aforesaid Benjamin his promise and assumption so as aforesaid made not regarding but minding and fraudulently intending him the said Samuel in this behalf craftily and subtilly to deceive and defraud hath not paid the aforesaid sum of money or any part thereof to him the said Samuel altho' so to do the aforesaid Benjamin was by the said Samuel requested to wit, on the day and year aforesaid and often afterwards at the County aforesaid but to pay the same or any part thereof to him the said Samuel he the said Benjamin hath hitherto altogether refused and still doth refuse wherefore the said Samuel saith he is the worse and hath Damage to the value of one hundred and fifty pounds Current money of Maryland and he therefore brings suit and soforth.

Pledges &c. John Doe & Richd Roe

And the said Benjamin Machall by his said attorney (as before) defends the force and injury when and soforth, and produces to the Court the following writ of Habeas Corpus, to wit.

Maryland, sc. The State of Maryland, To the chief Justice and Associate Justices of Frederick County Court, and the sheriff of the said County, Greeting. Whereas a certain Benjamin Machall is detained in the prison of the said County under the custody of you the said sheriff at the suit of a certain Samuel Nelson Luckett in a plea of trespass on the case and so forth, which said plea as it is said still depends before you the said Justices undetermined (the General Court being willing for divers Causes that the plea aforesaid undetermined as aforesaid should be heard and determined before the said General Court; Therefore you are hereby commanded that you have the body of the said Benjamin Machall by whatsoever name or names he may be called in the plea aforesaid together with the Cause of his caption and detention and all things thereunto relating, before the said General Court to be held at the City of Annapolis on the second Tuesday of May next that the said General Court may further proceed therein as to Justice appertains and soforth, hereof fail not at your peril and have you there and there this writ. Witness the honourable Jeremiah T. Chase Esquire Chief Judge of the said General Court the thirteenth day of February in the year our Lord one thousand eight hundred and one.

Issued the second day of March 1801. (J. M.) John Gwinn clk.

Whereupon it is ordered that the record of the proceedings in the plea aforesaid together with all things thereunto relating, be transmitted accordingly.

Test William Ritchie Clerk.

In Testimony that the aforegoing is a true Copy of the record and proceedings in the plea aforesaid I have hereunto set my hand and affixed the seal of Frederick County Court the twenty fourth day of April Eighteen hundred and one.

(seal of Fredk Coty Cot.)

William Ritchie Clerk Fredk County Court.

And now comes into the General Court here as well the said Samuel N. Luckett by Roger Nelson his attorney as the said Benjamin Machall by John Thomson Mason his attorney aforesaid And thereupon, on motion of the said Samuel N. Luckett by his attorney aforesaid, It is ruled by the Court here, that the said Benjamin Machall answer to the declaration aforesaid of the said Samuel N. Luckett in the plea aforesaid, or Judgment by the Court here will be entered against him in default thereof And the said Benjamin Machall by his attorney aforesaid, defends the force and injury when and soforth, and prays leave of the Court here to imparle until the second Tuesday of October next and then to answer to the declaration aforesaid of the said Samuel N. Luckett in the plea aforesaid, and to him it is granted; the same day is given to the said Samuel N. Luckett also.

At which said second tuesday of October, being the thirteenth day of the same month in the year of our Lord one thousand eight hundred and one, to which said day the said Benjamin Machall had leave to imparle, and then to answer to the declaration aforesaid of the said Samuel N. Luckett in the plea aforesaid, comes again into the General Court here as well the said Samuel N. Luckett by his attorney aforesaid, as the said Benjamin Machall by his attorney aforesaid; And the said Benjamin Machall by his attorney aforesaid as before defends the force and injury when and soforth, and saith, that he did not assume upon himself, in manner and form as the said Samuel N. Luckett above against him hath complained and of this he puts himself upon the Country, and the said Samuel N. Luckett in like manner, and so forth; Therefore let a Jury thereon appear before the Court here on

Whereupon