of our Lord one thousand seven hundred and Eighty five came the aforesaid William Tharp by William Polk Gentleman his Attorney and the Sheriff to wit James Martin Gentleman now here returned that he hath taken the aforesaid Margaret Fassett whose Body here at this day he hath ready to answer unto the aft William Tharpe of the plea aft as by the within writ he was Commanded And further the same Sheriff Certified that he had served the aft Defendant with a Copy of the aft Declaration and Bill on the fifth day of February last in the year aforesaid Thereupon the said Margaret Fassett puts in her place Thomas Martin Gentleman her Attorney at Law at the Suit of the aft William Tharpe of the plea aforesaid And the said William Tharpe by his Attorney aforesaid prays that the said Margaret Fassett may be Ruled and Adjudged by the Court here to answer to his the said William Tharpe's Declaration aft Thereupon it is by the Court now here adjudged and ruled that the said Margaret Fassett answer and plea in full make to the Declaration aft of the said William Tharpe and that the said Margaret Fassett do the same on or before the twenty eighth day of April next ensuing and the same Margaret Fassett did not on or before the day aft make answer to the Declaration aforesaid agreable to the Rule of the Court aforesaid or say any thing in Bar or preclusion of the Action aforesaid of the said William Tharpe but hath therein made default Whereby the said William Tharpe remains against the said Margaret Fassett therein undefended and so forth. And now here afterwards at an Adjournment of the same Court to wit on the eighteenth day of May Anno Domini Seventeen hundred and eighty five came the Parties aforesaid by their Attornies aft and the said Margaret by her said Attorney presented to the Court here the States Writ Commanding the Justices and the Sheriff of the County aft in the Words following to wit. The State of Maryland. To the Justices and Sheriff of Worcester County Greeting Whereas Margaret Fassett Executrix of the Testament and last Will of David Fassett is detained in the Prison of our said County under the Custody of you our said Sheriff at the Suit of a certain William Tharpe of a plea of Debt 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 Judges of our General Court We therefore Command you that you have the body of the said Margaret Fassett by whatsoever Name or Names she may be called in the plea aforesaid together with the Cause of her Caption and detention and all things thereunto relating before the Judges of our General Court to be held for the Eastern Shore of this State at Talbot County Court house the second Tuesday of September next that the Judges of our said General Court may further proceed therein as to Justice Appertains &c. Hereof fail not at your Peril and have you then and there this Writ Witness Robert Goldsborough Junr Esquire one of the Judges of our said Court this 18th day of April Anno Domini 1785. Issued the 14th day of April 1785. L Martin. James Earle Clk.

And the said William Tharpe by his Attorney comes and prays that the said Margaret Fassett shall not be permitted to file the writ of Habeas Corpus aforesaid and that the same by the Court here may not be received or allowed for as much as the said Margaret hath not pleaded and made defence in the Suit aforesaid according to the Rule and Judgment aforesaid as aft made whereby the said Margaret was ruled and adjudged to plead and make defence herein on or before the twenty Eighth day of April last past but therein hath made default And the said William by his Attorney aft further prays that final Judgment shall now be entered for the said William against the said Margaret on the said Default for the said William's Debt aft and his Damages by Occasion of the Detention of the said Debt as also for his Costs and Charges by him about his Suit in this behalf expended Whereupon the Court here on Consideration of the Premisses overruled the prayer of the Plaintiff by his Attorney aft that the Habeas Corpus aft shall not now

be received and allowed and his motion thereupon that final Judgment shall be entered for him for his Debt Damages Costs and Charges aforesaid Whereupon it is Considered by the Court here that the writ aft be allowed and that the Record of the plea aft between the said parties be Transmitted to the Judges therein named according to the Command of the said Writ together with the Writ of Habeas Corpus aft hereto annexed Whereupon the said William Tharpe by his Attorney aforesaid excepts to the opinion of the Court which exception is also hereto annexed In Testimony that the foregoing Transcript is a true Copy from the Records of Worcester County I have hereto set my hand and affixed the Seal of the County aft this eighth day of September Anno Domini 1785. Jam R Morris Clk Cur Com Wor.

Seal

William Tharpe
vs.
Margaret Fassett Exx
of David Fassett

Action of Debt on bond in Worcester County Court. In this Cause at March Term in Course 1785. a Rule was laid on the Defendant to plead by the 25th day of April following with which Rule the defendant did not comply but made a Default thereon And at an Adjournment of March Term aft on the seventeenth of May the Plaintiff appeared by his Council and Claimed the Advantage of the said Default and directed a final Judgment to be entered in the said Action in Consequence of the said Default. The Defendant by her Counsel prayed the Court that the said Judgment should not be entered on the Default as prayed for by the Plaintiff and offered to the Court a Writ of Habeas Corpus Issued from the General Court of the Eastern Shore of Maryland for the Purpose of removing the said Action into the said General Court the Plaintiff by his Council objected to the allowance of the said Habeas Corpus and the removal of the said Action thereby for as much as he is entitled to enter up final Judgment in Consequence of the Default aft But the objection was overruled by the Court who determined that the Habeas Corpus Supersedes the Proceedings in this Court and operates as a Bar to a final Judgment being now entered for the Plaintiff to which opinion of the Court the Plaintiff by his Counsel Excepted and prays the Benefit of his Exception according to the Statute in such case made &c. James Selby Seal

Whereupon all and Singular the Premisses being seen and by the Court here fully understood and mature deliberation being thereon had Therefore it is Considered by the Court here That the aforesaid William Tharpe do recover against the said Margaret Fassett Executrix of David Fassett his Debt aforesaid. Penalty to be released on the payment of Principal Interest and Costs, when Assets if there should be any after debts due in the State of Maryland of Superior or Equal Degree in Dignity As also

Pounds of Tobacco for his Damages which he hath sustained by Occasion of the Detention of that Debt unto the aforesaid William Tharpe by the Court here of his Assent Adjudged And the aforesaid Margaret Fassett in Mercy &c so forth.

James Earle Clk.

John Risteau
against
Jadwin Mountecue

The State of Maryland. Whereas John Risteau hath found sufficient Sureties as well for his Clamour to prosecute as for the following Negro Slaves to wit (Darby and Bob her Son) of them the said John Risteau which Jadwin Mountecue of Caroline County hath taken and unjustly detains against Sureties and Pledges as it is said to be returned if the return thereof shall be Adjudged. Command was therefore given to the Sheriff of Caroline County that the said Negro Slaves to wit Darby and Bob her Son to the aft John Risteau to be replevied and Delivered he should cause and that he should put by Sureties and safe Pledges the said Jadwin Mountecue that he should be and appear before the Judges of our General Court to be held for the Eastern Shore of this State at Talbot County Court House the second Tuesday of September then next to answer the aforesaid John Risteau of