among the Records of proceedings of the same Court was the following to wit,

Charles Allen
ag.
Edward Heathers } Be it remembered that heretofore to wit, on the tenth day of March in the year seventeen hundred and eighty seven, a Mandamus was given to the Sheriff of Queen Anns County that he should take Edward Heathers late of Queen Anns County planter if he should be found in his bailiwick and him safely keep so that he might have his body before the Justices of the three next County Court to be held for Queen Anns County at Charles Mill in the County aforesaid the monday before the fourth Tuesday in march next to answer unto Charles Allen of a plea that he render unto him the sum of thirty eight pounds fifteen shillings in spanish milled Dollars at seven shillings and six pence each which to him he owes and unjustly detains and so forth. that thereof he be not fail at his peril. And that he have then and there that writ &c. And now here at this day to wit, that is to say the monday before the fourth Tuesday in March being the twenty sixth day of the same month anno Domini 1787 and the day for the return of the aforegoing Writ comes the said Charles Allen by Herbert Wright his attorney. And the Sheriff of Queen Anns County aforesaid whom the same writ was made and directed likewise comes and makes return thereof to the Court here that he executed the writ. Capi Samuel O'Bryan Sheriff. And the aforesaid Edward Heathers being called upon appears and at the prayer of the plaintiff by his attorney aforesaid is adjudged to give special bail to the action aforesaid in the plea aforesaid whereupon a certain Christopher Lee of Queen Anns County aforesaid present here in court undertakes for the said Edward Heathers that in case the said Charles Allen shall recover judgment against him the said Edward Heathers in the plea aforesaid or that therein he the said Edward Heathers should be legally convicted that then the said Edward Heathers should pay the condemnation money thereupon or render his body in the custody of the sheriff of Queen Anns County aforesaid in exchange therefor or that he the said Christopher Lee will do the same for him and for this he acknowledges himself to be indebted and the aforesaid Edward Heathers by Robert Wright his attorney comes and defends the force and injury when and so forth, and prays leave to imparle herein until next Court and he hath it and the same day is given to the plaintiff also. At which said next Court to wit the 28th day of July anno Domini 1787 comes again the said parties Plaintiff and Defendant by their attorneys aforesaid and the said Defendant by his attorney aforesaid prays further leave to imparle herein until next Court and he hath it and the same day is given to the plaintiff also. At which said next Court to wit the 23d day of October anno Domini 1787. comes again the said parties Plaintiff and Defendant

by their attorneys aforesaid. And thereupon Defendant by his attorney aforesaid prays further leave to imparle herein until next Court and he hath it and therefore day is given to the Plaintiff also. At which said next Court to wit, the 24th day of March anno Domini 1788. comes again as well the said Charles Allen by his attorney aforesaid and the aforesaid Edward Heathers by his attorney aforesaid, And the said Edward Heathers by his attorney aforesaid as before defends the force and injury when and so forth and saith that the aforesaid Charles Allen, to have or maintain ~~against him~~ his action thereof aforesaid ought not because he saith that after the making of the writing obligatory aforesaid and before the impetration of the original writ of the said Charles Allen to wit, on the day of in the year seventeen hundred and paid to the said Charles Allen the aforesaid sum of thirty eight pounds fifteen shillings in spanish milled Dollars at seven shillings and six pence each with the legal interest thereon And this he is prepared to verify whereupon the said Charles Allen his action thereof against him to have ought not and so forth. And the said Charles Allen by his said Attorney says that he by anything by the said Edward Heathers above in pleading alleged ought not to be precluded from having or maintaining his said action thereof against him because he says that the aforesaid Edward Heathers did not pay to him the aforesaid sum of money in the said plea mentioned on the day and time therein also mentioned nor the day and time in the said writing obligatory specified And of this he puts himself upon the country And the aforesaid Edward Heathers in like manner. Whereupon this cause standing ready for trial Command is given to the sheriff of Queen Anns County aforesaid that he should cause to come here on the monday before the fourth Tuesday in July next twelve Ms by whom &c to recognize &c who neither &c because as well &c this same day is given to the said parties also. At which said next court the monday before the fourth Tuesday in July being the twenty first day of the same month anno Domini 1789. comes again as well the said Charles Allen, by his attorney aforesaid as the said Edward Heathers by his attorney aforesaid. And the said Edward Heathers by his attorney aforesaid produces to the court here the State Writ of Habeas Corpus directed to the Justices and Sheriff of Queen anns County aforesaid commanding a Record of proceedings to be transmitted to the General Court for the Eastern Shore, The Tenor whereof follows in these words to wit, The State of Maryland To the Justices and Sheriff of Queen Anns County Greeting: Whereas a certain Edward Heathers is detained in your prison from said County under the Custody of you our said Sheriff at the suit of a certain Charles Allen of a plea of Debt and so forth which said plea still is and 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 Wherefore Command you that you have the body of the said Edward Heathers 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