September Term 1790.

Balshar Michael by his Attorney aforesaid and the said Daniel Charles Heath by his Attorney aforesaid produces to the Court now here the following Habeas Corpus, to wit: The State of Maryland, &c. To the Justices and Sheriff of Cecil County, Greeting: Whereas as a certain Daniel Charles Heath, is detained in the prison of our said County, under the custody of you our said Sheriff at the suit of a certain Balshar Michael 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, should be heard and determined before the Judges of our General Court; therefore we command you that you have the body of the said Daniel Charles Heath 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 Judges of our General Court, to be held for the Eastern Shore of this State, in Talbot County, at the Court House, in the same County, the second Tuesday of September next, that our said Judges of our said General Court may further proceed therein as to Justice appertains and so forth – Hereof fail not at your peril, and have then and there this Writ. Witness the Honorable Robert Hanson Harrison, Esquire, Chief Judge of our said Court, the 11th day of April Anno Domini 1789.

Issued the 2d day of May Anno Domini 1789.

C.W. James Earle Clk.

Thereupon it is ordered by the Court now here that the Records and Proceedings with all things thereunto relating be transmitted accordingly –

Test W. Williams Clk.

In Testimony whereof I have hereto set my hand and affixed the seal of my Office for the County aforesaid this thirtieth day of June 1789.

Seal of Cecil County Court

W. Williams Clk.

September Term 1790.

At which said second Tuesday of September seventeen hundred and eighty nine, came into the General Court here, as well the said Balshar Michael by William Barnett his Attorney, as the said Daniel Charles Heath by Tunbritt Wright his Attorney: and the said Balshar by his Attorney aforesaid, prayed that a rule of Court might be made for the said Daniel to file his plea and answer to the Declaration aforesaid of him the said Balshar by the second Tuesday of April then next following, and it was granted unto him: and the said Daniel by his Attorney aforesaid defended the force and injury when and so forth, and prayed leave to imparle thereto until the second Tuesday of April then next following, and it was granted unto him, and the same day was given to the said Balshar then and so forth.

At which said second Tuesday of April seventeen hundred ninety, came again the parties aforesaid by their Attorneys aforesaid; and it was said to the said Daniel that he should answer to the Declaration aforesaid of the said Balshar by the second Tuesday of September then next following: and it was further said to the said Daniel that if he should not answer to the Declaration aforesaid by the day aforesaid, Judgment should be rendered against him by default: Thereupon further proceeds of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their Attorneys aforesaid, and by order of the Court here, thereon was further continued until the second Tuesday of September then next following.

And now here at this day, to wit, the second Tuesday of September seventeen hundred and ninety, comes the said Balshar by his Attorney aforesaid; and the said Daniel tho' solemnly called, ~~to come and~~ not, nor saith any thing in bar or preclusion of the Action aforesaid of him the said Balshar, but thereon doth make default, whereby the said Balshar remains against the said Daniel therein undefended: Therefore it is considered by the Court here, that the said Balshar do recover against the said Daniel his Debt aforesaid, in form aforesaid acknowledged: as also the Quantity of nine hundred and eight and one fifth pounds of Tobacco, as well for his Damages, which he hath sustained by occasion of the detention of that Debt, as for his Costs and Charges by him about his suit