April Term 1794.

the same month Anno Domini Seventeen hundred and ninety three — Present

The Honorable — James Tilghman Esquire chief Justice
Tobias Rudolph & Stephen Hyland Esquires Associate Justices

Samuel Maffitt Esq. Sheriff — Joseph Baxter Clk.

In the Record and Proceedings of the same Court among others is the following, to wit:

State for the use of James Ward against Samuel Pennington, Clerk — Habeas Corpus produced and allowed. Be it remembered that heretofore, to wit, on the second day of December in the year of our Lord Seventeen hundred and ninety one, the Plaintiff by its Attorney sued out the State of Maryland's writ of Capias ad respondendum the tenor of which follows in these words, to wit, State of Maryland To the Sheriff of Cecil County, Greeting, we command you that you take Samuel Pennington farmer & Sarah his wife late of Cecil County if they shall be found in your bailiwick and that them so taken, you safe keep, so that you have their bodies before the Justices of Cecil County Court, at the Court house in the same County the first Monday in March next, to answer unto the State of Maryland of a plea that they render unto the said State the just and full sum of Five hundred pounds Current Money which to the said State they owe and unjustly detain and so forth. Hereof fail not at your peril, and have you then and there this writ. Witness James Tilghman Esquire chief Justice of our said Court the twentieth day of October Seventeen hundred and ninety one. Issued the second day of December 1791. Wm. Jo: Baxter Clk.

And now here at this day, to wit, the first Monday in March being the fifth day of the same month Anno Domini Seventeen hundred and ninety five, and the day of the return of the aforegoing writ, comes the aforesaid State of Maryland by William Tilghman its Attorney and the Sheriff of the County aforesaid to whom the same was directed likewise comes and makes return thereof to the Court here thereon endorsed, to wit, Cepi Samuel Maffitt Sheriff. And the said Samuel Pennington and Sarah his wife being called upon appears by William Barrett their Attorney and prays leave of the Court here to imparle hereunto until next Court, and they have it and the same day is given the Plaintiff also. At which said next Court to wit the second Monday in October in the year last aforesaid comes here again at the Court house in the Town aforesaid before our said Justices as well the said State by its Attorney aforesaid as the said Samuel Pennington and Sarah his wife by their Attorney aforesaid, and the said State by its Attorney aforesaid declares against the said Samuel Pennington & wife in the plea aforesaid as follows, to wit, Cecil County to wit Samuel Pennington Farmer and Sarah his wife late of Cecil County was summoned to answer unto the State of Maryland of a plea that they render unto said State the just and full sum of Five hundred pounds lawful money which to the said State they owe and unjustly detain and so forth. And whereupon the said State by William Tilghman its Attorney, saith that whereas the said Sarah Pennington while she was sole by the name of Sarah Ellerington the ninteenth day of March in the year Seventeen hundred and eighty nine at the County aforesaid by her certain writing obligatory with her Seal sealed and to the Court here shewn the date whereof is on the day and year aforesaid acknowledged herself to be held and firmly bound to the said State in the said sum of five hundred pounds current Money aforesaid to be paid to the said State when she should be thereto afterwards required, yet the said Sarah while she was sole as the said Sarah & Samuel since their Marriage or either of them the sum aforesaid to the said State (all the often required) have not paid but the same to the said State to pay they have hitherto altogether refused and still do refuse to the damage of the said State one thousand pounds current money and thereupon the said State brings suit &c. Wm. Tilghman — Pledges: John Doe & Richard Roe

And the said State by its Attorney aforesaid prays that the said Samuel Pennington and Sarah his wife to the Declaration aforesaid against them may answer. And the said Samuel Pennington & wife by their Attorney aforesaid come and defends the force and injury when and so forth and prays further leave of the Court here to imparle hereunto until next Court and they have it, and the same day is given to the Plaintiff also. At which said next Court, to wit, the first Monday in March in the year Seventeen hundred and ninety three, comes here again at the Court house in the Town aforesaid before our said Justices as well the said State by its Attorney aforesaid as the said Samuel Pennington and Sarah his wife by their Attorney aforesaid, and the said Samuel Pennington & wife by their Attorney aforesaid, produced to the Court here the following writ of Habeas Corpus closed in the following words and figures to wit. The State of Maryland ss. To the Justices and Sheriff of Cecil County, Greeting. Whereas a certain Samuel Pennington and Sarah his wife are detained in the Prison of said County under the Custody of you our said Sheriff at the suit of the State of Maryland of a plea of Debt and so forth, 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 bodies of the said Samuel Pennington & Sarah his wife by whatsoever name or names they may be called in the plea aforesaid, together with the cause of their 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 April next, that our said Judges of our said general Court may further proceed therein, as to justice appertaining, and so forth. Hereof fail not at your peril and have you then and there this writ. Witness the Honourable Samuel Chase Esquire Chief Judge of our said Court the 11th day of September Anno Domini 1792. Issued the 15th day of September Anno Domini 1792. Wm. James Earle Clk.

It is thereupon ordered by the Court that all things relating to the premises be transmitted accordingly. In Testimony that the aforegoing is a true Copy of the Record and Proceedings I have hereunto set my hand and affixed the seal of my Office this twenty fifth day of March Anno Domini Seventeen hundred and ninety three. (Seal) Jo. Baxter Clk. Cecil Cty.

Whereupon came here into Court, as well the said State by her Attorney aforesaid, as the said Samuel Pennington & Sarah his wife by their said Attorney, and thereupon at the prayer of the State's Attorney, it was ruled by the Court here, that the said Samuel Pennington & wife should file their Plea in answer to the Declaration of the said State, by the second Tuesday of September then next; the same day was also given to the Parties aforesaid then here. At which said second Tuesday of September Anno Domini Seventeen hundred & ninety three, here came again into Court the Parties aforesaid by their Attorneys aforesaid, and the said State's Attorney filed the following Bond, to wit. Maryland, to wit, Know all men by these presents that we Sarah Ellerington widow, Bartholomew Ellerington John Ward son of John and Alexander M'Cloud Gentleman all of Cecil County in the State aforesaid are held and firmly bound unto the State of Maryland in the full and just sum of Five hundred pounds Current Money to be paid unto the said State: To which payment well and truly to be made and done we do bind ourselves and every of us our and every of our Heirs Executors and Administrators in the whole and for the whole jointly and severally firmly by these presents sealed with our Seals and dated this ninteenth day of March in the year of our Lord Seventeen hundred and eighty nine