William Sluby & others Surviving Partners of John Voorhees & Co. against Dunn & Kennard

Be it remembered that the Defendants by William Tilghman their Attorney impleaded the Writ of Habeas Corpus, which are in the last. "The State of Maryland, Ss. To the Justices and Sheriff of Kent County, Greeting, Whereas a certain James Dunn and John Silden Kennard, are detained in the prison of your said County under the custody of you our said Sheriff, at the suit of a certain William Sluby, Abraham Falconar, & Benjamin Comegys, 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 James Dunn & John Silden Kennard 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 appertains, and so forth. Sheriff fail not at your peril, and have you then and there this writ. Witness the honorable Samuel Chase Esquire, chief judge of our said Court, the 11th day of Sept. Anno Domini 1792. Issued the fifth day of March Anno Domini 1793. (Test.) James Earle jun. Clk.

At which said second Tuesday of April, in the year Seventeen hundred and ninety three, being the day of the return of the aforegoing writ, the Justices and Sheriff of Kent County aforesaid in compliance with the same writ made return thereof to the Court here, with the following Record annexed, to wit "The execution of the above writ appears by the following proceedings. The answer of James Tilghman Esqr. chief Justice of the second district, and Samuel Chew and James Lloyd Esqrs. Associate Justices of the Kent county court & Philip Reed High Sheriff of the same County, for James Tilghman, Samuel Chew & James Lloyd Esqrs. Associate Justices as aforesd. and Philip Reed Sheriff to the Honorable the Judges of the General Court, for the Eastern Shore of the State of Maryland within, that command was given to the Sheriff of Kent County on the fourth Monday of October Seventeen hundred and ninety one that he should take the bodies of James Dunn & John Silden Kennard both late of Kent County Farmers if they should be found in his bailiwick and them safe keep so that he might have them before the Justices of our next County Court to be held at the Court house in the Town of Chester in said County on the third monday of March next, to answer unto William Sluby Abraham Falconar and Benjamin Comegys surviving Partners of John Voorhees & Co. one hundred and twenty eight pounds fourteen shillings and five pence half penny current money) which to them they owe and unjustly detain & so forth. At which said third Monday of March fourteen hundred and ninety two came the aforesd. William, Abraham, & Benjamin by James Houston their Attorney and the Sheriff of Kent County also came and made return of the writ aforesd. to the Court here thereon indorsed as follows, to wit "Pursuant Philip Reed Shff. Thereupon Hugh Meeks of Kent County Farmer in his proper person here into Court did come and became pledge & security for the aforesd James Dunn and John S. Kennard that if it should happen to the said James & John to be convicted, in the plea aforesd. that then the same Security granted as well the debt aforesd. as all the Damages Costs and Charges, which to the said William Sluby, Abraham Falconar & Benjamin Comegys in the plea aforesd. should be adjudged of the goods and Chattels Lands and Tenements of the said Hugh Meeks to be made & for the use of the said William, Abraham & Benjamin to be levied if it should happen that the said James & John the Defts

and Damages Costs & Charges of the said William, Abraham, & Benjamin in the plea aforesd. should not pay or themselves into the custody of the Sheriff of Kent County, on that occasion under And the aforesd. William, Abraham and Benjamin by their Attorney aforesd. offered themselves against the aforesd. James and John in the plea aforesd. and complained thereof against them in the following words, to wit. "Kent County, to wit. James Dunn & John Silden Kennard both late of Kent County, farmers were summoned to answer unto William Sluby, Abraham Falconar & Benjamin Comegys surviving Partners of John Voorhees & Co. in a plea that he render unto them the sum of One hundred and thirty eight pounds fourteen shillings & five pence half penny current money) which to them they owe and unjustly detain and so forth. And whereupon the said William Sluby, Abraham Falconar & Benjamin Comegys by James Houston their Attorney complain that whereas the said James Dunn & John Silden Kennard on the twenty sixth day of November in the year of our Lord One thousand seven hundred and ninety one, at Kent County aforesd. by their certain writing obligatory had acknowledged themselves to be bound unto a certain John Voorhees now deceased whom the said William Sluby, Abraham Falconar & Benjamin Comegys survived and to the said William Sluby, Abraham Falconar & Benjamin Comegys by the name of John Voorhees and Co. in the aforesd. one hundred and twenty eight pounds fourteen shillings & five pence half penny current money as aforesd. to be paid to the said John Voorhees & Co. when they the said James Dunn & John Silden Kennard should be thereunto required. Yet the aforesd. James Dunn & John Silden Kennard (though often required) have not paid the said One hundred and twenty eight pounds fourteen shillings and five pence half penny to the said John Voorhees, William Sluby, Abraham Falconar & Benjamin Comegys or any of them in the life time of the said John Voorhees or to the said William Sluby, Abraham Falconar & Benjamin Comegys or any of them since the death of the said John Voorhees (whom the said William Sluby, Abraham Falconar & Benjamin Comegys survived) but hath refused to pay the same to the said William Sluby, Abraham Falconar & Benjamin Comegys and still doth refuse to pay the same to them whereupon they say they are injured and have damage to the value of twenty pounds and therefore they bring suit & so forth. And they bring here into Court the said writing obligatory which testifies of the Debt aforesd. in form aforesd. the date whereof is on the day & year aforesd. and so forth. J. Houston for Plff. Pledges &c. John Doe & Richard Roe. Copy of the writing obligatory aforesd. Know all men by these presents that we James Dunn of Chester Town and State of Maryland, and John Silden Kennard farmer of Kent County in the State of Maryland are held and firmly bound unto John Voorhees & Co. Merchants Chester Town in the State aforesd. in the sum of One hundred and twenty eight pounds fourteen shillings and five pence half penny current money to be paid to the said John Voorhees & Co. or their certain Attorney Executors, Administrators or Assigns. To which payment well and truly, to be made and done we bind ourselves our Heirs Executors & Administrators firmly by these presents Sealed with our Seals dated the twenty sixth day of November in the year of our Lord One thousand seven hundred and ninety one. The Condition of the above obligation is such that if the above bounden James Dunn & John Silden Kennard their Heirs Executors Admors or any of them shall