Seventeen hundred and ninety six. — Present.

The Honble James Tilghman Esquire Chief Justice
Tobias Rudulph and Stephen Hyland } Esquires Associate Justices

Joseph Baxter Clk.

Peregrine Bruce Esquire Sheriff.

In the Record and Proceedings of the same Court among others is the following, towit —

P.D. Isaac Gooding against John Makin } Habeas Corpus produced and allowed. —

Be it remembered that heretofore, towit on the twenty sixth day of November in the year seventeen hundred and ninety four, the Plaintiff by David Davidson his Attorney sued out the State of Maryland's Writ

H.M. W.A.

of Capias Adrespondendum the tenor whereof follows in these words, towit. — Cecil County ss. The State of Maryland, to the Sheriff of Cecil County, Greeting: We Command you that you take Thomas Alexander and John Makin both of Cecil County Yeoman, if they shall be found in your bailiwick and them safe keep, so that you have their bodies before the Justices of our next County Court to be held at the Court House in Elkton, in same County, the first Monday of March next, to answer unto Isaac Gooding of a plea that they render unto him the sum of eighty pounds Current money which to him they owe and unjustly detain &c. forth. Hereof fail not at your peril and have you then and there this Writ. Witness James Tilghman Esq. Chief Justice of our said Court the twenty fourth day of November Anno Domini 1795. — Issued the 28th day of November 1795. — D. David. Jo: Baxter Clk. —

And now here at this day, towit, the first Monday of March being the second day of the same Month Anno Dominii seventeen hundred and ninety five, and the day of the return of the aforegoing Writ, comes the aforesaid Isaac Gooding by his Attorney aft. and the Sheriff of Cecil County to whom the same Writ was made and directed likewise comes and makes return thereof to the Court here thus endorsed, towit. — Cepi Makin, N.E. Alexander. Pereg. Bruce Shff.

And the said John Makin being called upon appears, and at the prayer of the said Isaac Gooding by his Attorney aft. the said John Makin is adjudged to give special bail to the action aft. Whereupon a certain Richard Savin of Cecil County, Farmer, present here in Court in his proper person undertakes for the said John Makin that in case the said Isaac Gooding shall recover Judgment against the said John Makin in the plea aft. or that the said John Makin shall be therein legally convicted that then the said John Makin shall pay the Condemnation of the Court thereupon or render his body to the Custody of the Sheriff of Cecil County in satisfaction thereof, or that he the said Richard Savin will do the same for him. —

And the said John Makin by Hugh Matthews his Attorney comes and defends the force and injury when and &c. forth, and prays leave of the Court here to imparle hereunto until next Court and he hath it, and the same day is given to the Plaintiff also. —

At which said next Court, towit, the second Monday of October being the twelfth day of the same Month in the year seventeen hundred and ninety five, comes here again at the Court House in the Town aft. before our said Justices as well the said Isaac Gooding as the said John Makin by their Attorneys aft. and the said John Makin by his Attorney aft. prays further leave of the Court here, to imparle hereunto until next Court, and he hath it and the same day is given to the plaintiff also. — At which said next Court towit, the first Monday of March, being the seventh day of the same Month in the year seventeen hundred and ninety six comes here again at the Court House in the Town aft. before our said Justices as well the said Isaac Gooding as the said John Makin by their Attorneys aft. and the said Isaac Gooding by his Attorney aft. declares against the said John Makin as follows, towit. —

Cecil County, towit, Thomas Alexander and John Makin both of Cecil County Yeomen, were summoned to answer unto Isaac Gooding of a plea that they render unto him the sum of eighty pounds Current money which to him they owe and unjustly detain and &c. forth. — And whereupon the said Isaac Gooding by Davidson David his Attorney, saith, that whereas the aforesaid Thomas Alexander and John Makin on the twenty ninth day of July in the year of our Lord one thousand seven hundred and ninety three, at Cecil County aft. did by their certain Bill Obligatory sealed with their Seals and to the Court now here shewn whose date is the day and year aft. promise for themselves their Heirs, Executors and Administrators to pay or cause to be paid to the said Isaac Gooding his certain Attorney, Heirs, Executors, Administrators or Assigns the just and full sum of eighty pounds Current money of Maryland on or before the first day of October in the year of our Lord one thousand seven hundred and ninety four, with the legal Interest thereon from the date hereof, Nevertheless the said John Makin and Thomas Alexander (before the return of the Writ aft.) the aft. sum of eighty pounds money as aft. with legal Interest thereon to him the said Isaac have not rendered or paid (altho' so to do the aft. John and Thomas were after the aft. first day of October in the year last aft. towit, on the second day of the Month and year last aforesaid, and before the return of the Writ aft. and often afterwards at the County aforesaid by the said Isaac requested) but the same or any part thereof to him the said Isaac to render or pay they have altogether refused and the said John Makin still doth refuse, to the Wherefore the said Isaac saith he is worse, and hath Damage to one hundred pounds money as aft. and therefore he brings suit &c. — Davidson for Plff. Hedges, Solr. & Rutd. Roe.

And the said Isaac Gooding by his Attorney aft. prays that the said John Makin to this Declaration above against him may answer. — And the said John Makin by his Attorney aft. comes and defends the force and injury when and &c. forth, and prays an hearing of the Bill Obligatory aft. and he hath it as follows, towit. — We do hereby promise for ourselves our Heirs, Executors and Administrators to pay or cause to be paid unto Isaac Gooding his certain Attorney, Heirs, Executors, Administrators or Assigns the just and full sum of eighty pounds Current money of the State aft. of Maryland, on or before the first day of October 1794 with Interest thereon from the date hereof. As witness our hands and seals this twenty ninth day of July seventeen hundred and ninety three 1793. — Witness present, Robert Walmsley junior. Thomas Alexander Seal. John Makin Seal.

And the said John Makin by William Alexander his Attorney, produces to the Court here the following Writ of Habeas Corpus closed in these words and figures, towit. —

The State of Maryland ss. To the Justices and Sheriff of Cecil County, Greeting: Whereas a certain John Makin is detained in the prison of our said County under the Custody of you our said Sheriff at the suit of a certain Isaac Gooding in a plea of Debt and &c. 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 aft. undetermined as aft. should be heard and determined before the Judges of our General Court; Therefore we Command you that you have the body of the said John Makin by whatever 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 April next, that our said Judges of our said General Court may further proceed therein as to Justice appertains and &c. forth — Hereof fail not at your peril and have you then and there this Writ —