James Kent against William Pearce

Be it remembered that on the fourteenth day of May, in the year of our Lord one thousand seven hundred and ninety nine a certain William Pearce by Samuel Purnell Esquire his Attorney, prosecuted out and sued forth, out of our Eastern Shore General Court, the State of Maryland's Writ of Habeas Corpus, directed to the Chief Justice, and his Associates, Justices of Queen Anne's County Court, and to the Sheriff of the same County, in the words and figures following, to wit— The State of Maryland. To the Chief Justice, and his Associates, Justices of Queen Anne's County Court, and to the Sheriff of Queen Anne's County, Greeting: Whereas a certain William Pearce is detained in the prison of our said County, under the custody of you, our said Sheriff, at the suit of a certain James Kent, of a plea of Trespass upon the case and so forth, which said plea, as it is said still depends before you, our said Justices, undetermined as aforesaid; 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— We therefore command you, that you have the body of the said William Pearce 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, at Easton, in Talbot County, on the second Tuesday of September next, that the 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 you then and there this writ— Witness the Honorable Robert Goldsborough Esquire Chief Judge of our said Court, the 10th day of April 1798— Issued the 14th day of May 1798— Test. James Earle jr. Clerk— (Seal of the Eastern Shore Genl. Court)

At which said second Tuesday of September in the year of our Lord one thousand seven hundred and ninety eight (being the day for the return of the aforegoing writ of Habeas Corpus) the Chief Justice, and his Associates, Justices, of Queen Anne's County Court, and the Sheriff of the same County, to whom the same writ was in form aforesaid directed, in Obedience to the Command therein contained, to wit, the said Sheriff had the body of the said William Pearce, and the said Chief Justice, and his Associates, Justices of Queen Anne's County Court certified and transmitted to the Eastern Shore General Court a Record of the Proceedings before the said County Court had, containing the cause of the caption and detention of the said William Pearce in the plea aforesaid, with all things thereunto relating— And which said Record of Proceedings is in form following, to wit—

On the Records and proceedings of Queen Anne's County Court, among other things is contained the following, to wit:— Maryland, Queen Anne's County, to wit. At a County Court, held for Queen Anne's County, at Centreville in said County, on the first Monday of May, it being the seventh day of the same Month, in the year seventeen hundred and ninety eight, By the Officers appointed, and empowered to hold the same Court— were Present,

The Honble James Tilghman Esquire, Chief Justice

William Ringgold Hynson, Nathan Ready } Esquires, Asst. Justices—

Henry Costin, Esquire, Sheriff— Samuel H. Wright, Clerk—

James Kent against William Pearce

Be it remembered that on the twenty fourth day of the April, in the year seventeen hundred and ninety seven, Command was given to the Sheriff of Queen Anne's County, to take the body of William Pearce late of Queen Anne's County, if he should be found in his Bailiwick, so that he might have his Body before the Justices of the then next County Court, to be held for Queen

Anne's County, at Centre Ville in said County, on the first Monday of May then next ensuing, to answer unto James Kent, in a plea of Trespass on the case &c— At which said day, to wit, the first Monday of May in the year seventeen hundred and ninety seven, comes the Plaintiff, by Richard T. Earle his Attorney, and the Sheriff of Queen Anne's County being called, makes return of the aforesaid Writ, in these words, to wit— "Cepi. Phil. C. Stake, Shff. Q. A. County"— And thereupon the said William Pearce, at the prayer of the said James Kent was ruled to give special bail in the plea aforesaid— Whereupon, William Harper of Queen Anne's County, Yeoman, came here into Court in his proper person, and became pledge and mainpriper for the aforesaid William Pearce, that if it should happen that Judgment by the Court here for the aforesaid James Kent in the plea aforesaid, against the said William Pearce should be rendered, then the same William Harper granted that as well the Debt aforesaid, as all such Costs and Charges which unto the aforesaid James Kent in this part should by the Court be adjudged, of his Lands and Chattels should be made, and to the use of the said James Kent levied, if it should happen that the said William Pearce, the said Debt, Damages, Costs and Charges should not pay, or his body in Execution of such Judgment to the public prison of Queen Anne's County aforesaid by that occasion should not render— Thereupon day was given, as well to the said James Kent as to the said William Pearce, by the Court here until the fourth Monday in October then next following— At which said fourth Monday in October in the year seventeen hundred and ninety seven, came here again the Parties aforesaid by their Attorneys aforesaid, And the said James Kent by his Attorney aforesaid filed his Declaration in the plea aforesaid, against the said William Pearce in the following words, to wit— And whereupon the said James, by Richard T. Earle his Attorney complains, that whereas the aforesaid William, on the tenth day of December in the year of our Lord one thousand seven hundred and ninety six, at the County aforesaid, was indebted to the same James in the sum of fifty three pounds sixteen shillings and six pence one farthing Current money of Maryland, for divers Goods, Wares, Merchandizes, Articles and things by the same James to the same William, at his special instance and request, there before that time sold and delivered; And so thereon being indebted, the same William, in Consideration thereof, afterwards, to wit, on the same day and year aforesaid; at the County aforesaid, upon himself Assumed, and unto the same James then and there faithfully promised to pay to the same James the aforesaid sum of fifty three pounds, sixteen shillings and six pence one farthing when thereto afterwards he should be required; And whereas also, the same James, afterwards, to wit, on the same day and year aforesaid, at the County aforesaid, had sold and delivered them the said William, at his like special instance and request divers other Goods, Wares, Merchandizes, Articles and things, to the same William, in Consideration thereof afterwards, to wit, on the same day and year aforesaid at the County aforesaid, upon himself Assumed, and unto the same James then and there faithfully promised to pay to the same James for the Goods, Wares, Merchandizes, Articles, and things last mentioned, as much Current money of Maryland, as the same, at the time of the sale and delivery thereof were reasonably worth, whenever after he should be thereto required; And the same James in fact says, that the Goods, Wares, Merchandizes, Articles and things last mentioned, at the time of the sale and delivery thereof were reasonably worth one other sum of fifty three pounds, sixteen shillings and six pence one farthing Current money of Maryland, to wit, at the County aforesaid, whereof the said William then and