And Whereupon the same John by George Douglas his Attorney says that Whereas the afs. John Bell heretofore to wit at a Court of his Lordships the Right Honourable Charles Absolute Lord and Propietary of the Provinces of Maryland and Avalon at Princes Ann Town in and for the County afs. the third Tuesday of March being the twenty first day of the same Month Anno Dom One Thousand Seven hundred forty and Eight before Robert King Esqr and others his Associates Justices of the same Court by Consideration of the same Court Recovered against the afs. John White by the Name of John White Eight hundred five and a half Pounds of Tobacco for his Costs and Charges which he the said John Bell Sustained by reason of the false Clamour of the said John White against the said John Bell in a certain Plea of Trespass upon the Case by the said John White against the said John Bell before the said Justices in the said Court Prosecuted and which to the said John Bell according to the form of the Statute in that Case made and Provided by the Consideration of the same Court were Adjudged for his Costs and Charges by him about his Defence in that part Expended where of he is Convict as by the Record and Process thereof in the same Court before the afs. Justices remaining fully appears which same Judgment in full Strength force and Effect remains unreversed anulled or Satisfyed and the afs. John Bell any Execution thereupon not yet followed by which Action Accrued to the same John Bell to require and have of the afs. John White the afs. Eight hundred five and one half Pounds of Tobacco Nevertheless the afs. John White altho' often required the afs. Eight Hundred and five and one half Pounds of Tobacco to the same John Bell hath not Rendered but the same to him hitherto to render altogether gain says and yet Gainsays to the Damage of the same John Bell Sixteen hundred Pounds of Tobacco and therefore he brings Suit &c

Pledges &c { John Doe and Richd Roe

A Copy of the foregoing Declaration was made and sent to & Served on the the Deft in Order for speedy Tryal

At which Day here came the afs. John Bell by his Attorney afs. and the Sheriff to wit John Dennis Gent now here returned that he had taken the afs. John White whose Body here at this day he had ready to Answer the afs. John Bell of the Pleas afs. as to him it was Commanded And further the same Sheriff returned that he had Served the afs. John White with a Copy of the foregoing Declaration according to Act of Assembly in such case made and Provided &c.

And now here to wit the same day came the afs. John White under Custody of the same Sheriff in his Proper Person and thereupon the said John White Produced here to the afs. Justices and Sheriff his Lordships Writ of Habeas Corpus the Tenor whereof follows in these words

Maryland ss Charles Absolute Lord and Propietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Justices and Sheriff of Somerset County Greeting Whereas a certain John White late of Somerset County Merchant is detained in the Prison of our said County under the Custody of you our said Sheriff at the Suit of a certain John Bell in a Plea of Debt for Eight (hundred)

hundred five and a half Pounds of Tobacco which said Plea as it is said still depends before you our said Justices undetermined and We being Willing for Divers Causes that the Pleas afs. undetermined as afs. shall be heard and Determined before the Justices of our Provincial Court therefore Command you that you have the Body of the said John White by whatsoever Name he be called in the Plea afs. together with the day and Cause of his Caption and Detainer and all things thereunto Relating before the Justices of our Provincial Court to be held at Annapolis the third Tuesday of October next that our said Justices of our Provincial Court may further Proceed therein as to Justice appertains &c. hereof fail not at your Peril and have you then and there this Writ Witness Benjamin Young Esqr (chief Justice of our said Court the 27th day of May in the 35th year of our Dominion &c. Anno Dom 1749

(James Tilghman) R Burdett Clk

Allowed per Henry Hooper

We the Justices and Sheriff send the Body of the same John White with the Cause of his Caption and Detainer with all things thereunto relating as appears by the Record to this Writ annexed

(Seal) In Testimony whereof the Seal of the County of Somerset is hereunto affixed this Ninth day of August Anno Dominii 1749

Thomas Hayward Coulbourn Sheriff

And now here at this Day to wit the third Tuesday of October being the 17th day of the same Month Anno Dom 1749 comes into his Lordships Provincial Court here the said John White by James Tilghman his Attorney and Offers himself Ready for Tryal against the afs. John Bell in the Plea afs. But the said John Bell altho Solemnly called comes not but makes Default nor does he further Prosecute his Writ afs. against the afs. John White in the Plea afs.

Therefore it is Considered by the Justices here that the said John Bell take nothing by his Writ afs. but that he and his Pledges of Prosecuting to wit John Doe and Richard Roe be in Mercy &c. and that the said John White go hence without Day &c. and it is also Considered that the said John White Recover against the said John Bell the Sum of Pounds of Tobacco by the Court here unto him on his Absent Adjudged for his Costs and Charges by him about his Defence in this Behalf laid out and Expended and that he have thereof his Execution &c.

Test R Burdett Clk

B William Lyon
John Diggs } Mem. the Plaintiff sued out his Lordships Writ of Scire facias the Tenor whereof follows in these words viz.

Maryland ss Charles Absolute Lord and Propietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Prince Georges County Greeting Whereas at a Provincial Court held at Annapolis in Ann Arundel County in and for the Province afs. on the tenth Day of September Anno Dom seventeen hundred and forty five before Philip Thomas Esqr then Chief Justice of our said Court and others his Associates (then)