October Term 1752

Pl William Lyon and William Lux ... } Command was given to the Sheriff of Ann Arundel County that he should take
Vs Thomas Todd ... } Thomas Todd late of Ann Arundel County Innholder if he should be found in his
Bailiwick and him should safe keep so that he might have his Body
before his Lordships Justices of Ann Arundel County Court to be held at Annapolis the second
Tuesday of March then next to Answer unto William Lyon and William Lux in a plea of Trespass
upon the Case and that thereof he the said Sheriff should not fail &c.

At which said second Tuesday of March to wit the 10th day of the same Month Anno Domi: 1752
being the Day of the return of the foregoing Writ comes the said William Lyon and William Lux
by Stephen Bradley their Attorney and the Sheriff of Ann Arundel County to whom the
same Writ was directed likewise comes and makes return thereof to the Court here thus Endorsed
viz.

Cepi & Nathan Clemmond Shff:

And the said Thomas Todd being called upon appears thereupon at the Prayer of the Plaintiff
by their Attorney aforesaid the said Thomas Todd is Adjudged to give Special Bail to the Action aforesaid
Thereupon a certain Edward Talbott of Ann Arundel County Planter present here in Court
in his proper Person Undertakes for the said Thomas Todd that in case the said William Lyon &
William Lux shall Recover Judgment against the said Thomas Todd in the Plea aforesaid or that the said
Thomas Todd shall be therein legally Convict that then the said Thomas Todd shall pay the Condemnation
of the Court thereupon or render his Body into the Custody of the Sheriff of Ann Arundel County
in satisfaction thereof or that he the said Edward Talbott will do it for him

And the said William Lyon and William Lux by their Attorney aforesaid Complained against the said
Thomas Todd in the Plea aforesaid as follows viz. Thomas Todd late of Ann Arundel County Innholder
was Attached to Answer unto William Lyon and William Lux in a Plea of Trespass upon the
Case And Whereupon the said William Lyon and William Lux by Stephen Bordley their Attorney
Complain that Whereas the aforesaid Thomas on the nineteenth Day of June in the Year of our Lord
seventeen hundred and fifty one at Ann Arundel County aforesaid was Indebted unto them the said
William Lyon and William Lux in the Sum of twenty five Pounds eight Shillings and six Pence
Current Money for sundry matters properly Chargeable in Account as by a particular Account
thereof herewith into Court brought may appear and being so thereof Indebted the aforesaid Thomas
afterwards to wit on the Day and Year aforesaid at the County aforesaid in Consideration thereof upon
himself Assumed and to the said William Lyon and William Lux then and there faithfully
promised that he the said Thomas the aforesaid Sum of Money to them the said Lyon & Lux
when afterwards he should be thereunto required would well and truly content and Pay
Nevertheless the aforesaid Thomas his Promise and Assumption aforesaid so as aforesaid made not
regarding but minding and fraudulently intending them the said Lyon and Lux in this
behalf Craftily and subtilly to deceive and defraud the aforesaid Sum of Money or any part
thereof to them the said Lyon and Lux or either of them hath not contented or paid (altho
so to do the aforesaid Thomas was afterwards to wit on the Day and Year last aforesaid and often
afterwards at the County aforesaid by the said Lyon and Lux requested) but the same or any part
thereof to content or Pay he hath hitherto altogether refused and still do the refuse to the Damage
of them the said Lyon and Lux in the Sum of thirty five Pounds Current Money aforesaid
Therefore they bring suit &c. Bridges &c. John Doe & Richd Roe

Which Account mentioned in the foregoing Declaration follows in these words viz.

1751 Mr. Thomas Todd ... Dr. To Lyon and Lux Currency
June 19th To 1 Hhd Rum W. 7 Qrs 11 Gallons a 2/6 ... £25..0..0
Errors Excepted Lyon and Lux

Baltimore County ss. March 1752 Mt. Came William Lux before me the Subscriber one of his
Lordships Justices of the Peace for the County above named and made Oath on the Holy Evangelists
of Almighty God that the above Account is just & true Also William Lyon and William Lux
made Oath that they or either of them hath received no part or parcel thereof or any security

or Satisfaction for the same Nicholson Gary

And the said Thomas Todd by Edward Dorsey his Attorney comes and defends the force and injury when &c. And
prays leave to imparle hereunto until next Court and he hath it and the same Day is given to the Plaintiffs also

At which said next Court to wit the 7th day of June Anno Domi: 1752 come again the said Parties Plaintiffs
and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to
Imparle hereunto until next Court and he hath it and the same Day is given to the Plaintiffs also

At which said next Court to wit the 11th day of August Anno Domi: 1752 come again the said Parties Plfs.
and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to
Imparle hereunto until next Court and he hath it and the same Day is given to the Plfs. also

At which said next Court to wit the 12th Day of November Anno Domi: 1752 come again the said Parties
Plaintiffs and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays
further leave to Imparle hereunto until next Court and he hath it and the same Day is given to the
Plaintiffs also At which said next Court to wit the 13th Day of March Anno Domi: 1753 comes
again as well the said William Lyon and Wm. Lux by their Attorney aforesaid as the said Thomas Todd by his
Attorney aforesaid And the said Thomas Todd by his said Attorney produces to the Court here his Lordships
Writ of Habeas Corpus the Tenor whereof follows in these words viz.

Maryland ss. Frederick Absolute Lord & Proprietary of the Province of Maryland and Avalon Lord Baron
of Baltimore &c. To the Justices and Sheriff of Ann Arundel County Greeting Whereas a certain Thomas
Todd late of Ann Arundel County Innholder is detained in the Prison of our said County under the
Custody of you our said Sheriff at the Suit of a certain William Lyon and Wm. Lux of a plea of Trespass
upon the Case 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 shall be heard and
determined before the Justices of our Provincial Court Therefore We Command you that the Body of
the said Thomas Todd by whatsoever Name he be called in the Plea aforesaid together with the Day and
Cause of his Caption and Detainer and all things thereunto relating before the Justices of our Provin-
cial Court to be held at Annapolis the second Tuesday of April next you have that our said Justices
of our Provincial Court may further Proceed therein as to Justice appertains &c. Thereof fail not at your
Peril and have you then and there this Writ Witness Benjamin Young Esqr. Chief Justice of our
said Court the 6th Day of October in the second Year of our Dominion &c. Annoque Domi: 1752

Filed March 13th 1753 (Dorsey) R Burdett Clk

Allowed of Gen. Record

Which being read and heard was Allowed of and the Record and Proceedings together with all things thereunto
relating is ordered to be Transmitted to the next Provincial Court to be held at Annapolis the second Tuesday
of April accordingly In Testimony whereof the usual Seal of Ann. Arundel County Court is hereunto Affixed
(Ann. Arundel Seal) this third Day of April in the Year of our Lord 1753

John Brice Clk

And now here at this Day to wit the second Tuesday of April being the 10th day of the same Month Anno Domi: 1753 come
into his Lordships Provincial Court here as well the said William Lyon and William Lux by Stephen Bradley their
Attorney as the said Thomas Todd by Edward Dorsey his Attorney And the said Thomas Todd by his said
Attorney Defends the force and injury when &c. And prays leave to imparle hereunto until next Court & he
hath it and the same Day is given to the Plaintiffs also

At which said next Court to wit the 11th day of September Anno Domi: 1753 come again the said Parties
Plaintiffs and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further
leave to imparle hereunto until next Court and he hath it and the same Day is given to the Plfs. also