Benjamin Lynthicum against Edward White the 3rd

Caroline County &c, Summons was given to the Sheriff of Caroline County the twelfth day of January seventeen hundred and ninety six, that he should take Edward White the 3rd late of Caroline County Yeoman, if he should be found in his bailiwick, and him safe keep, so that he might have his body before the Justices of our County Court to be held at Denton on the first Monday in March then next, to answer unto Benjamin Lynthicum of a plea that he render unto him the sum of ninety one pounds three shillings and seven pence Current money of Maryland, which to him he owes & from him unjustly detains and so forth — And that then & there the said Sheriff should not fail and so forth — At which said first Monday in March came as well the aforesaid Plaintiff by Henry Waggaman his Attorney, and the Sheriff of the County aft, made return of the Writ aft, thereon endorsed viz: "Cepi, Dekar Thompson Shff."

And the said Edward White the 3rd being called upon, appeared, and at the prayer of the Plaintiff by his said Attorney, he is adjudged to give special bail to the action aft. Thereupon Joshua Wood and Thomas Hooch of Caroline County Planters, came into the Court in their proper persons, and jointly and severally, became pledges & Mainceptors for the said Edward White the third, that if it should happen that the same Edward, in the plea aft, should be convicted, then the same Joshua and Thomas granted that as well the Debt aft, as all such Damages which unto the aforesaid Plaintiff in this part should be adjudged, of their Lands and Chattels should be made, and to the use of the aforesaid Plaintiff levied if it should happen that the same Edward the Debt and Damages aft unto the aft Plaintiff should not pay or himself to the public prison of Caroline County aft, by that occasion should not render, — And the aft Edward White the 3rd by Nicholas Hammond his Attorney came and defended the force and injury when and so forth, and prayed liberty aft imparling thereof, here until the second Monday in October next, and he had it, the same day was given to the aft Plaintiff here and so forth; At which said second Monday in October, came as well the aforesaid Plaintiff by his said Attorney, as the aforesaid Defendant by his said Attorney, and the aft Defendant by his said Attorney prayed further liberty imparling thereof here until the second Monday in March next, and he had it, the same day was given to the aforesaid Plaintiff here and so forth. — And now here at this day, to wit, the second Monday in March in the year seventeen hundred and ninety seven, comes as well the aforesaid Plaintiff by his said Attorney, as the aft Defendant by his said Attorney, and the aforesaid Plaintiff by his said Attorney offereth himself against the said Defendant in the plea aft, and complained in manner & form following, to wit. — Caroline County, to wit: Edward White the 3rd late of Caroline County, was summoned to answer unto Benjamin Lynthicum of a plea that he render unto him, the sum of ninety one pounds three shillings and seven pence Current money of Maryland which to him he owes and from him unjustly detains &c — Whereupon the said Benjamin Lynthicum by Henry Waggaman his Attorney, saith, that Whereas the said Edward White on the second day of January in the year seventeen hundred and ninety four, at the County aft

by his certain writing Obligatory which sealed with the seal of the said Edward White, the said Benjamin Lynthicum here into Court now brings, the date whereof is the same day and year aforesaid, acknowledged himself to be held and firmly bound unto the said Benjamin Lynthicum in the aft sum of ninety one pounds three shillings and seven pence Current money of the to be paid to the said Benjamin Lynthicum when he the said Edward White should thereto afterwards required; To the payment whereof the said Edward White did bind himself, his Heirs, Executors and Administrators firmly by the said writing — Nevertheless the said Edward White altho' often thereto required, the aft sum of money or any part thereof, unto the said Benjamin yet hath not paid, but the same to him to pay, hitherto altogether hath refused to pay, and still doth refuse to pay the same, to the Damage of the said Benjamin one hundred pounds Current money of Maryland, and therefore he brings suit &c — Pledges &c. John Doe and Richard Roe — And the aforesaid Defendant by his said Attorney produced to the Court here, the State's Writ of Habeas Corpus in these words and figures following, to wit. — The State of Maryland &c. To the Justices and Sheriff of Caroline County Greeting: Whereas a certain Edward White 3rd of Caroline County is detained in the prison of our said County under the Custody of you the said Sheriff, at the suit of a certain Benjamin Lynthicum of a plea of Debt and so forth, which said plea as it is said still depends before you the 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 Edward White 3rd 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, then held for the Eastern Shore of this State, at Easton in Talbot County at the Court House in the same County, the second Tuesday of April next that only said 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 honourable Robert Goldsborough Esq. Chief Judge of our said Court the 15th day of September Anno Domini 1796. — Issued the 15th day of March Anno Domini 1797 — James Earle Jun. Clk. — Seal —

Which said Writ of Habeas Corpus is by the Court here received & allowed — Tho. Richardson Clk. for the Court. Caroline County, to wit. I do Testimony that the aforegoing is the tenor of the proceedings of Caroline County Court in the plea aft, mentioned, I have hereunto set my hand, and affixed the Seal of the County aft, this eighth day of April Anno Domini seventeen hundred and ninety seven, — Tho. Richardson Clk. of Car. Cty. Court — (Seal of Caroline County Court)

Thereupon appeared in our said General Court, as well the aforesaid Benjamin Lynthicum by Henry Waggaman his Attorney, as the aforesaid Edward White the 3rd by Nicholas Hammond his Attorney — Upon which at the prayer of the said Benjamin Lynthicum by his Attorney aft, it was ruled by the Court that the said Edward White the 3rd answer to the Declaration aft of the said Benjamin Lynthicum in the plea aforesaid. — And the said Edward White the 3rd by his Attorney aft defended the wrong and injury when &c and prayed leave of the Court to imparle until the next Term and he had it, the same day was given to the aforesaid Benjamin Lynthicum there &c — At which said next Term, to wit, the second Tuesday of September in the year one thousand seven hundred and ninety seven, came again into Court the parties aforesaid by their Attorneys aft; And the said Edward White the 3rd by his Attorney aft,