received no payment security or other satisfaction therefore sworn before.-
Jno. A. Burch.-

Copies of which said declaration and account were made and sent to the Sheriff of the County aforesaid with the said writ thereon endorsed to be served on the defendant with the writ or left at their place of abode ten days at least before the return of the said writ for a plea of Judgment the first Court.-

At which said first Monday of August being the fifth day of the said month in the year of our Lord one thousand eight hundred and forty four and the day of the return of the foregoing writ comes into the County Court here the said Thomas H. Miles by Benjamin T. Harris his attorney aforesaid and the Sheriff of the County aforesaid to wit, Stephen H. Gough gentleman to whom the said foregoing writ was in form aforesaid directed makes return thereof to the Court here thus endorsed to wit. Recd in time both.-
S. H. Gough, Shff.-

And the said Stephen H. Gough, Sheriff of the County aforesaid although solemnly called upon by order of the Court here on motion of the said Thomas H. Miles by his attorney aforesaid to bring into Court here the bodies of the said John A. Clarke and Philip Clarke whom he ought to have here this day in pursuance of the command of the writ aforesaid and according to the tenor of his return thereof as aforesaid brings not into Court here the said John A. Clarke and Philip Clarke and thereon doth make default- Whereupon on motion of the said Thomas H. Miles, by his attorney aforesaid it is ruled by the Court here that the said Stephen H. Gough, Sheriff of the County aforesaid be amerced the said sum of five hundred and fifty dollars the debt aforesaid in the declaration of the said Thomas H. Miles in the plea aforesaid and the costs and charges that have accrued or may accrue in the plea aforesaid in case he brings not into Court here the bodies of the said John A. Clarke, and Philip Clarke, on the first Monday of March next and the same day is given to the said Thomas H. Miles also.-

And now here at this day to wit, the first Monday of March being the third day of the said month in the year of our Lord one thousand eight hundred and forty five comes again into the County Court here the said Thomas H. Miles by his attorney aforesaid and the said Stephen H. Gough, Sheriff of the County aforesaid in persuance of the command of the writ aforesaid and according to the tenor of his return thereof as aforesaid and in compliance with the rule of the Court aforesaid and to save the amerciament aforesaid brings into Court here the bodies of the said John A. Clarke and Philip Clarke, whereupon it is ordered by the Court here that the rule and amerciament aforesaid be discharged and stricken out, and the said John A. Clarke, by George D. Coad his attorney and the said Philip Clarke in his proper person appear in Court here and thereupon the said Thomas H. Miles, by his attorney aforesaid prays that the said John A. Clarke and Philip Clarke may answer to the declaration of him the said Thomas H. Miles in the plea aforesaid- Whereupon it is ruled by the Court here that the said John A. Clarke, and Philip Clarke answer to the declaration of

the said Thomas H. Miles in the plea aforesaid, and if the said John A. Clarke and Philip Clarke do not answer to the declaration of the said Thomas H. Miles in the plea aforesaid judgment will be rendered against them by default and the said John A. Clarke by his said attorney defends the force and injury when and so forth and saith that he cannot deny the action aforesaid of the said Thomas H. Miles so as aforesaid agst. him and the said Philip Clarke brought it or but that he owes to the aforesaid Thomas H. Miles the aforesaid sum of five hundred and fifty dollars current money in such manner and form as the aforesaid Thomas H. Miles above against him and the said Philip Clarke hath complained it or but that the aforesaid Thomas H. Miles hath sustained damage by reason of the detention of the debt aforesaid to the aforesaid sum of eleven hundred dollars current money in like manner and form as the aforesaid Thomas H. Miles within against him and the said Philip Clarke hath complained besides his costs and charges by him about his suit in this behalf laid out and expended to him to be adjudged and so forth- Therefore it is considered by the Court here that the said Thomas H. Miles recover against the said John A. Clarke as well the said sum of five hundred and fifty dollars current money his debt aforesaid in form aforesaid confessed as the said sum of eleven hundred dollars current money his damages aforesaid acknowledged to be sustained by reason of the detention of the said debt as also the sum of eight dollars and eighty eight and one third cents by the Court hereunto the said Thomas H. Miles on his assent adjudged for his costs and charges by him about his suit in this behalf laid out and expended and the aforesaid John A. Clarke in mercy and so forth.

And the said Thomas H. Miles by his attorney aforesaid files into Court the following agreement to wit:

The plaintiff in this case acknowledges that the Judgment entered in this case is on the last outstanding bond given by John A. Clarke for the purchase of the house and lot of Thomas H. Miles and made this acknowledgement because doubts have been suggested whether the last bond was the bond of John A. and Philip Clarke or of John A. Clarke and Joe Abell.-
B. T. Harris, for pltff.-

And the said Philip Clarke in his proper person aforesaid offers himself ready for trial in the plea aforesaid, but the said Thomas H. Miles although solemnly called comes not, but makes default nor does he further prosecute his writ aforesaid against the said Philip Clarke in the plea aforesaid- Therefore it is also considered by the Court here that the said Thomas H. Miles take nothing by his said writ but be in mercy for his false clamour &c. and that the said Philip Clarke go thereof without day &c.- and it is further considered by the Court here that the said Philip Clarke recover against the said Thomas H. Miles the sum of ninety five cents by the said Court now here unto the said Philip Clarke on his assent 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