Mary B. Tilden Adm.x of Wm. in of John Ireland
vs.
William H. Clark

Be it Remembered, that heretofore to wit, on the sixth day of November eighteen hundred and eleven, a certain William B. Tilden by John Steops Esquire, his Attorney prosecuted and sued forth out of the County Court here the writ of the State of Maryland of Capias ad respondendum, to the Sheriff of Kent County aforesaid directed in the words and figures, and of the tenor following to wit; Kent County Sc: The State of Maryland, To the Sheriff of Kent County Greeting: You are hereby Commanded to take William H. Clark late of Kent County, if he shall be found in your Bailiwick, and him safe keep, so that you have his Body before the County Court, to be held at the Court House, in the Town of Chester in and for the said County of Kent, on the third monday of March next to answer unto William B. Tilden, in a plea that he render unto him, the sum of one hundred pounds Current money, which to him he owes and unjustly detains &c. Hereof fail not at your peril and have you then and there this writ. Witness the Honorable Richard Tilghman Earle Esquire Chief Judge of the said County Court, the 18 day of September Anno Dominii 1811. & in the 36 day of November, Anno Dominii 1811 — Ben: Chambers Clk:

(seal of Kent County Court)

At which mentioned third monday of March being the sixteenth day of the same month, in the year Eighteen hundred and twelve, and the day of the return of the aforegoing writ, comes into the County Court here, the said William B. Tilden by his Attorney aforesaid, and the Sheriff of Kent County aforesaid, to wit, Edward Wilkins, Gentleman, to whom the said writ was in form aforesaid directed, and makes return thereof, to the Court here thus endorsed, to wit. "Kent County Sc. By virtue of this writ, to me directed, I have taken the within named William H. Clark, whose body I have ready before the County Court, within named at the day and place within contained, as I am within commanded. I answer, Edward Wilkins Sheriff" And the said William H. Clark being called, appears in Court here, by James Houston Esquire his Attorney and thereupon on motion of the said William B. Tilden by his Attorney aforesaid, it is ruled by the Court here, that the said William H. Clark give special Bail, in the plea aforesaid. Whereupon a certain James Welch of Kent County, comes here into Court, in his own proper person and (with the consent of the William B. Tilden by his said Attorney) becomes pledge and bail for the said William H. Clark, that if it shall happen that the said William H. Clark shall be convict at the suit of the said William B. Tilden, in the plea aforesaid, then the said James Welch consents, that as well the Debt aforesaid as all such Damages, Costs and Charges as shall be adjudged unto the said William B. Tilden in this behalf, shall be made of his Body, Lands & Chattels, and levied to the use of the said William B. Tilden, if it shall happen that the said H. Clark, shall not pay the said Debt, Damages, Costs & Charges, or render himself to the prison and custody of the Sheriff of the County aforesaid in that occasion, and the said William B. Tilden, by his Attorney aforesaid declares in the Court here, against the said William H. Clark, in the plea aforesaid and in manner and form following to wit — State of Maryland Kent County viz: William H. Clark of Kent County, yeoman, was summoned to answer unto William B. Tilden in a plea that he render unto him the sum of one hundred pounds, Current money, which to him he owes and unjustly detains &c. And whereupon the same William B. Tilden by John Steops his Attorney saith, that whereas, the said William H. Clark, on the second day of March, in the year of our Lord Eighteen hundred and eleven, at Kent County aforesaid, by his certain Writing Obligatory, which sealed with the seal of the said Clark, the said Tilden here into Court brings, the date whereof is the same day and year aforesaid acknowledged himself to be held and firmly bound, unto him the said Tilden, in said sum of one hundred pounds Current money, to be paid to him the said Tilden, when he should be thereto afterwards required. Nevertheless the said Clark, altho often thereto required, the sum of money aforesaid, to the said Tilden, yet hath not paid but the same to him to pay hath hitherto refused, and still doth refuse, to the Damage of the said Tilden in the sum of one hundred and fifty pounds like money, and whereupon he brings suit &c — John Steops pltff. pledges be John Doe & Richd. Roe — The writing Obligatory, whereof mention is made in the foregoing declaration, and the Condition thereof, here follows in the following words, to wit — "Know all men by these presents that I William H. Clark of Kent County, in the State of Maryland, are held and firmly bound unto William B. Tilden, in the full and just sum of one hundred pounds Current money, to be paid to the said William H. Clark, his certain Attorney Executors or Administrators, to which payment, I bind myself, my Heirs Executors and Administrators, firmly by these presents, sealed with my seal, and dated this second day of March, in the year of our Lord, Eighteen hundred and eleven. — The Condition of this Obligation is such, that if the above bound William H. Clark, his Heirs, Executors or Administrators and every of them shall keep and perform the award of James Bevans and Isfa Knock, both of Kent County aforesaid, arbitrators indifferently chosen on behalf of the said William H. Clark, as well as of the said William B. Tilden, to arbitrate, award and determine, of and concerning all manner of quarrels, controversies and demands whatsoever existing between the said parties or either of them, so

as the said award between the said parties be made in writing, under the hands and seals of the said Arbitrators and ready to be delivered to the said parties on or before the first day of May next ensuing the date of the above written obligation, and if the said Arbitrators shall not make up their said award in writing, under their hands and seals aforesaid, and ready to be delivered to the said parties, on or before the said first day of May next ensuing as aforesaid, or shall differ in opinion, and cannot bring in an award, if then the said William H. Clark, his Heirs Executors and Administrators, and every of them, shall stand to, perform and keep the award of such discreet and indifferent person, as the said Arbitrators shall direct and choose as umpire for hearing, composing, ending, and finally determining, all and singular the differences aforesaid, so as the said umpire do make and draw up his own umpirage and determination, in writing, under his hand and seal and ready to be delivered to the said parties, on or before the said first day of May next ensuing the date of these presents, then the obligation to be void, otherwise to be and remain in full force and virtue in law — Wm. H. Clark (Seal) Signed, sealed and delivered in the presence of James Bevans. — Copy of the award here ensues in the following words, to wit — "To all, to whom these presents shall come: Samuel Comegys of Kent County, sendeth Greeting. Whereas William B. Tilden and William H. Clark by their Arbitration Bonds, dated the second day of March, in the year of our Lord Eighteen hundred and eleven, bound themselves, each to the other, in the penalty of one hundred pounds, Current money, to keep and perform the award of James Bevans and Isfa Knock, both of Kent County aforesaid arbitrators, indifferently chosen, on behalf of the said William H. Clark, as well as of the said William B. Tilden, to arbitrate and award, of and concerning all manner of quarrels controversies and demands whatsoever existing between the said parties or either of them, so as the said award between the said parties — " — " — " — should be made in writing under the hands and seals of the said Arbitrators, and ready to be delivered to the said parties on or before the first day of May next ensuing the date of the said Arbitration bonds. and if the said Arbitrators should not make up their said award in writing under their hands and seals as aforesaid and ready to be delivered as aforesaid, or before the said first day of May next ensuing as aforesaid, or should differ in opinion, and cannot bring in an award if then the said William H. Clark and William B. Tilden, their Heirs, Executors and Administrators, and every of them should keep and perform the award of such discreet and indifferent person as the said Arbitrators should elect as umpire, for hearing and determining all the differences aforesaid, so as the said umpire should make and draw up his said award and umpirage in writing, under his hand and seal and ready to be delivered to the said parties, on or before the said first day of May, next ensuing date of the said arbitration bonds. And whereas the said two arbitrators not being able to compromise and determine the said differences, did on the sixteenth day of the present month, elect and make choice of the said Samuel Comegys for umpire, to hear and determine the same — Now therefore know ye, that I the said Samuel Comegys having taken upon myself, the execution of the powers given by the said election and choice of the said arbitrators and having on the sixteenth day of the present month, given notice to each of the parties, William B. Tilden and William H. Clark, of my having fixed and determined to meet at new market, on the twentieth day of the present month, at two O'Clock in the afternoon, and then and there to receive, hear and fully consider the allegations, proofs and circumstances and representations of the said William B. Tilden and William H. Clark, of and upon the subject matter submitted to me, and having met at the said place, on the said twentieth day of the present month, and the said Clark and Tilden being both present, and after receiving, hearing and fully considering the allegations, proofs, circumstances and representations of the said Tilden and Clark, of and concerning the subject matter to me submitted, do, by this my award and umpirage, award and adjudge, that the sum of forty three pounds, seven shillings and six pence, Current money, is due from the said William H. Clark, to the said William B. Tilden. I do further award that the said William H. Clark do pay to the said William B. Tilden, his Executors, Administrators or Assigns the said sum of forty three pounds, seven shillings and six pence Current money, with Interest from the date hereof, until paid, on which payment being made the said Tilden shall execute to the said Clark, his Heirs, Executors or Administrators a receipt in full, of all demands whatsoever. — In witness whereof, I have hereunto subscribed my name and affixed my seal, this twenty ninth day of April, in the year Eighteen hundred and eleven. — Samuel Comegys (Seal)

Thereupon on motion of the said William B. Tilden, by his Attorney aforesaid, it is ruled by the Court here, that the said William H. Clark answer to the Declaration aforesaid of the said William B. Tilden, in the plea aforesaid or Judgment by the Court here will be rendered against him in default thereof, and the said William H. Clark by his Attorney aforesaid, defends the force and injury when &c. and prays leave of the Court here, to imparle until the third monday of September next, and to him it is granted, the same day is given to the aforesaid William B. Tilden also — At which said third monday of September, being the twenty first day of the same month, in the year