and that thereof he the said Sheriff should not fail at his peril, and that he should have then and there that Writ. At which said second Tuesday of April seventeen hundred and ninety, being the Day of the return of the aforegoing Writ, came the said State by Luther Martin her Attorney General, and the Sheriff of Cecil County to whom the said Writ was directed, likewise, and made return thereof to the Court here then endorsed, to wit: "Non est Spear, Cecil clerk. James Crick Shff." And the said Samuel came here into Court in his proper person; Thereupon further process of and upon the promises aforesaid between the parties aforesaid, by consent of said parties and their Attorneys aforesaid, and by order of the Court here, thereon was further continued until the second Tuesday of September then next following. And now here at this day, to wit, the second Tuesday of September, seventeen hundred and ninety, come again as well the said State by her Attorney General aforesaid, as the said Samuel in his proper person; and the said State by her Attorney General aforesaid afiled her Declaration in the plea aforesaid against the said Samuel in the following words, to wit: Cecil County, to wit. Samuel Clark late of Cecil County was summoned to answer unto the State of Maryland of a plea that he render unto her the sum of one hundred and twenty seven pounds sixteen shillings and eight pence current money which to her he owes and unjustly detains and so forth. And whereupon the said State of Maryland by Luther Martin its Attorney saith that whereas the aforesaid Samuel Clark on the day of in the seventeen hundred and at the County aforesaid, by his certain writing obligatory acknowledged himself to be held and firmly bound unto the said State in the aforesaid sum of one hundred and twenty seven pounds sixteen shillings and eight pence current money, to be paid to the said State when afterwards he should be

thereunto required: Nevertheless the aforesaid Samuel (although often thereunto required) the aforesaid sum of current money, to the said State hath not rendered or paid, but the same to the said State hitherto to render or pay he hath altogether refused, and still doth refuse, wherefore the said State saith it is the worse and hath Damage to the value of one hundred pounds like money aforesaid, and therefore the said State brings suit and so forth, and brings here into Court the writing obligatory aforesaid, sealed with the seal of the aforesaid Samuel, which the Debt aforesaid, in form aforesaid witnesseth, the date whereof is the day and year aforesaid, and so forth.

L. Martin, for the Plff. Pledges and so forth. John Doe and Richd. Roe.

And the said State by her Attorney General aforesaid, prays that the said Samuel to her Declaration aforesaid may answer; Whereupon it is ruled by the Court here at the prayer of the said State's Attorney General, that the said Samuel should answer to the Declaration aforesaid of the said State by twelve of the clock on the twenty eighth day of the present Term; and it is said to the said Samuel that if he should not answer to the Declaration aforesaid, by the day aforesaid, Judgment should be rendered against him by default: the same day was given to the said State thereupon. And now here at this time, to wit, at the twelve of the clock on the twenty eighth day of the present Term, come the said State's Attorney General, and the said Samuel the solemnly called at the same time, comes not, nor saith any thing in bar or preclusion of the Action aforesaid of the said State, but therein doth make default whereby the said State remains against the said Samuel therein undefended: Therefore it is considered by the Court here, that the said State do recover against the said Samuel her Debt aforesaid, in form aforesaid acknowledged; as also the Quantity of four hundred and eighty seven and four fifths pounds of Tobacco, as well for her Damages, which she hath sustained by occasion of the detention of that Debt, as for her Costs and Charges by her about her suit in this behalf expended, unto the said State by the Court here with the Assent