was granted, the same day was given to the said State there &c — At which said day, to wit, the second Tuesday of April seventeen hundred and ninety seven, came again into Court here the Parties aforesaid by their Attorneys aforesaid, and the said Richard S. Thomas not having filed his plea according to the rule aforesaid, the said State prayed that the said Richard S. Thomas might be further ruled to file his plea in answer to the Declaration aforesaid of the said State, and thereupon was granted, and the said Richard S. Thomas by his Attorney aforesaid prayed the further liberty of imparling hereunto until next Court, then to answer to the Declaration aforesaid of the said State and it was granted unto him, the same day was given to the said State there &c —

At which said next Court, to wit, the second Tuesday of September seventeen hundred and ninety seven, came again into Court here, the parties aforesaid by their Attornies aforesaid, and the said Richard S. Thomas by his Attorney aforesaid defended the force and injury, when &c. And saith that the said State ought not to have and maintain her action aforesaid against him the said Richard, because he saith, that he the said Richard before the impetration and suing out of the Original Writ in this cause did pay to the said State the aforesaid sum of money in the said Declaration mentioned together with all the Interest thereon due according to the form & effect of the Condition of the writing Obligatory in the Declaration aforesaid mentioned and this he is ready to verify; Wherefore he prays Judgment whether the said State her action aforesaid thereof against him to have or maintain ought and so forth — And the said State by her Attorney aforesaid, saith, that she by any thing by the said Richard S. Thomas alledged, from having and maintaining her action aforesaid thereof against him ought not to be precluded because she saith that that the aforesaid Richard did not pay to her the said State the aforesaid sum of money & with legal Interest for the same, which the aforesaid Richard to the said State ought to have paid according to the form and effect of the Condition of the said writing Obligatory in the Declaration aforesaid mentioned as the aforesaid Richard above hath alledged and this she prays may be enquired of by the Country, and the aforesaid Richard S. Thomas in like manner and so forth. — Therefore let a Jury appear before the General Court here, on the second Tuesday of April next, by whom &c. and who neither &c. to recognize &c. because as well on the same day was given to the parties aforesaid there and there &c. —

And now here at this day, to wit, the second Tuesday of April seventeen hundred and ninety eight comes into Court here the Parties by their Attorneys aforesaid. Whereupon the said Richard S. Thomas by his said Attorney, relinquishing his verification aforesaid by him herein before pretended, saith, that he cannot not deny the said action of the said State, nor but that he owes unto the said State the aforesaid sum of five hundred and forty pounds Current money, his Debt aforesaid in manner and form as the said State above against him hath complained. — Therefore it is considered by the Court here that the said State recover against the said Richard S. Thomas as well the said sum of five hundred and forty pounds Current money, his Debt aforesaid, in form aforesaid acknowledged, as the quantity of four hundred and twenty seven pounds of Tobacco for her Damages which she hath sustained, as well by occasion of the detention of that Debt, as for her Costs and Charges by her about her suit in this behalf expended, adjudged unto the said State by the Court here, with her Assent, and the said Richard S. Thomas in mercy &c.

Test James Clark Junr. Clerk —

Memorandum Judgment was confessed in this action on the seventh day of April 1798. for Penalty and Costs. — To be released on payment of Principal, Interest and Costs — all payments to be allowed. — — —

Samuel Pleasants & Sons
against
James Sheres Survg. Partner of James Sheres & Robert Machie

The Plaintiffs by in this cause by William Bairde their Attorney sue out of the General Court, the State of Maryland, Writ of Certiorari, in the following words and figures, to wit.

The State of Maryland. To the Justices of Cecil County Cecil County, Merchant, Surviving Partner of James Sheres and Robert Machie, Deceased, was Attached to answer unto Samuel Pleasants and Sons of a plea of Trespass upon the case &c. Which said plea is still depending before you; our said Justices, in our said County Court, as it is said, undetermined; and we being desirous for certain reasons that the Record and Proceeding in the plea aforesaid should by you be certified to us, do Command you, that you send under your Seals, the Record & the proceeding aforesaid in the plea aforesaid, with all things touching the same, unto our General Court, to be held for the Eastern Shore of this State, at Talbot County Court House the second Tuesday of April next, plainly and distinctly, and in as full and ample manner as it now remains before you, together with this Writ, so that we may be able thereon to proceed and to do what shall appear to us of right ought to be done. — Witness the Honorable Robert Goldsborough Esquire Chief Judge of our said Court, the 18th. day of September Anno Domini 1796. Issued the 18th. day of February 1797. —

Wm. James Clark Jr. Clerk —

At which said second Tuesday of April seventeen hundred and ninety seven, it being the day for the return of the aforegoing Writ, the said Justices of Cecil County made return of the same, with the following Record thereto annexed, to wit. —

Maryland, Cecil County, to wit; At a County Court of the County and State aforesaid, begun and held at the Court House in Elkton in and for said County on the first Monday of March, being the sixth day of the same Month Anno Domini seventeen hundred and ninety seven. —

Present

The Honible James Tilghman Esquire Chief Justice
Thos. Rudolph Esquire Associate Justice
Jeremiah Briscoe Esq. Shff. Joseph Baxter Clk. —

In the Record and Proceedings of the same Court among others is the following, to wit. —

Wm. Samuel, Israel, Robert and John P. Pleasants
against
James Sheres, Survg. Partr. of
Robert Machie & Jacob Sheres

Certiorari produced and Allowed. —

Be it remembered that heretofore, to wit, on the thirty first day of January in the year of our Lord one thousand seven hundred and ninety seven, the Plaintiffs by their Attorney sued out the State of Maryland Writ of Capias ad respondendum the tenor whereof follows in these words and figures, to wit. —

Cecil County ss. The State of Maryland, To the Sheriff of Cecil County Greeting: We Command you, that you take James Sheres late of Cecil County, Yeoman, Surviving Partner of Robert Machie and James Sheres if he shall be found in your Bailiwick, and him safe keep, so that you have his Body before the Justices of our next County Court, to be held at the Court House in Elkton, in said County, the first Monday of March next, to answer unto Samuel, Israel, Robert and John P. Pleasants of a plea of Trespass on the case and so forth. — Hereof fail not at your Peril, and have upon them and there this Writ. — Witness James Tilghman Esquire Chief Justice of our said Court the twentieth day of October Anno Domini 1796. — Issued the thirty first day of January 1797. —

Bairde, Jo: Baxter Clk. —