William Goldsborough against Joshua Clarke

Be it remembered that on the twentieth day of March in the year of our Lord one thousand seven hundred and ninety eight Command was given to the Sheriff of Caroline County to take Joshua Clarke late of Caroline County Yeoman, otherwise called Joshua Claike of Caroline County and State of Maryland if he should be found in his Bailiwick and him safe keep so that he might have his body before the Judges of our General Court to be held at Easton in Talbot County on the second Tuesday of April then next, to answer unto William Goldsborough Gentleman, one of the Attornies of the General Court for the Eastern Shore of Maryland according to the liberties and privileges of the same Court for such Attornies and other Ministers and Officers of the same Court from time out of mind used and approved in the same, of a plea that he render unto him the sum of two hundred and fifty one pounds Current money of Maryland, which to him he owes and unjustly detains &c. And that thereof he the said Sheriff should not fail at his peril and should have then and there that Writ &c. — And now here, at this day, to wit, the second Tuesday of April in the year of our Lord one thousand seven hundred and ninety eight being the day for the return of the aforegoing Writ &c. comes into Court here the said William Goldsborough by John Goldsborough junior Esquire his Attorney, and the Sheriff of Caroline County to whom the same Writ was in form aforesaid directed, makes return thereof to the Court here thus endorsed, to wit. — Cepi — Peter Thompson Shff. And the said Joshua Clarke being called, appears in Court here by Thomas Oldham Martin Esquire his Attorney; and thereupon on motion of the said William Goldsborough by his Attorney aforesaid, it is ruled by the Court here that the said Joshua Clarke give special bail in the plea aforesaid. — Whereupon a certain Henry Colston of Talbot County comes here into Court in his own proper person, and with the consent of the said William Goldsborough by his Attorney aforesaid becomes pledge and bail for the said Joshua Clarke, that if it shall happen that the said Joshua Clarke shall be convicted, at the suit of the said William Goldsborough in the plea aforesaid, then the said Henry Colston consents that as well the Debt aforesaid, as all such Damages, Costs and Charges as shall be adjudged unto the said William Goldsborough in this behalf shall be made of his body, Lands and Chattels and levied to the use of the said William Goldsborough if it shall happen that the said Joshua Clarke shall not pay the said Debt, Damages, Costs and Charges, or render himself to the prison and Custody of the Sheriff of the County aforesaid on that occasion. — And the said William Goldsborough by his Attorney aforesaid declares against the said Joshua Clarke in the plea aforesaid in manner and form following, to wit. — Eastern Shore, State of Maryland, Caroline County, to wit. — Joshua Clarke late of Caroline County Yeoman, otherwise called Joshua Clarke of Caroline County in the State aforesaid, was attached by a Writ of the State of Maryland of Privilege, to answer unto William Goldsborough Gentleman one of the Attornies of the General Court for the Eastern Shore of Maryland, according to the liberties and privileges of the same Court, for such Attornies and other ministers of the same Court from time out of mind used and approved in the same, of a plea that he render unto him the sum of two hundred and sixty one pounds Current money of Maryland

which to him he owes and unjustly detains &c. — And whereupon the same William Goldsborough in his own proper person saith, that the said Joshua Clarke on the fifteenth day of September in the year one thousand seven hundred and ninety seven, at the County aforesaid, by his certain writing Obligatory, which sealed with the Seal of the said Joshua, the said William here into Court brings the date whereof is the same day and year aforesaid, granted himself to be held and firmly bound unto the said William in the aforesaid sum of two hundred and sixty one pounds Current money of Maryland, to be paid to the said William, to the payment whereof well and truly to be made and done, the said Joshua did bind himself, his Heirs, Executors and Administrators firmly by the same writing. — Nevertheless the said Joshua, at the often required the sum of money aforesaid or any part thereof to the said William yet hath not paid, but the same to him to pay hath hitherto altogether refused, and still doth refuse to the Damage of the said William five hundred and twenty two pounds Current money, and therefore he brings this suit &c. — Mr. Goldsborough in proper person. — Pledges &c. John Doe & Richard Roe. — The writing Obligatory in the Declaration aforesaid mentioned ensues as follows, to wit. — Maryland Sc. Know all men by these presents that we Thos. Oldham Martin of Talbot County and State aforesaid and Joshua Clarke of Talbot County and State aforesaid are held and firmly bound unto William Goldsborough of Dorchester County and said State in the full and just sum of two hundred and sixty one pounds Current money of Maryland to be paid unto the said William Goldsborough his certain Attorney, Executors, Administrators or Assigns. To which payment well and truly to be made and done, we bind ourselves, Heirs, Executors and Administrators jointly and severally firmly by these presents. Sealed with our Seals and dated this fifteenth day of September in the year of our Lord one thousand seven hundred and ninety seven. — The Condition of the above Obligation is such that if the above bound Thomas Oldham Martin and Joshua Clarke, or either of them, do and shall well and truly pay, or cause to be paid, unto the said William Goldsborough his certain Attorney Executors, Administrators and Assigns the full and just sum of one hundred and thirty pounds ten shillings Current money aforesaid with legal Interest thereon. — Then the above Obligation to be void, else to remain in full force and virtue in Law. —

Signed, Sealed and delivered in the presence of Benjamin Millnutt. — Thomas O. Martin (Seal) Joshua Clarke (Seal)

On the back of the aforegoing Writing Obligatory is thus endorsed, to wit. — We hereby acknowledge that this Bond was paid for Cash lent. Witness our hands this 15th day of September 1797. — Test, Ben: Millnutt. — Thos. O. Martin. Jos: Clarke.

And the said Joshua Clarke by his Attorney aforesaid defends the force and injury when &c. and says, that he cannot gainsay the action aforesaid of the said William Goldsborough so as aforesaid against him brought, nor can he deny but that he owes to the said William Goldsborough the full and just sum of two hundred and sixty one pounds of Current money of Maryland in manner and form as the said William Goldsborough above thereof against him complains. — Therefore it is considered by the Court here that the said William Goldsborough recover against the said Joshua Clarke as well the said sum of two hundred and sixty one pounds Current money his Debt aforesaid in form aforesaid acknowledged, as the Quantity of six hundred and thirty one pounds of Tobacco for his Damages which he hath sustained as well by occasion of the detention of the said Debt, as for his Costs and