

to merchandise and profit on them, but had failed to account for the results of the transaction. The interlocutory judgment for the accounting was entered by consent of the parties.

Magdalen Edmondson, Administratrix of James Edmondson, Heir of John Edmondson v. Hugh Hall, Administrator of Hugh Hall. An action of debt on a bond, and an accounting of payments made by the obligor was ordered upon motion.

*John Gresham v. Thomas Gassaway.*¹ An action of debt on a bond; auditors were appointed by consent of the parties with approbation of the court, not only for an accounting, but also to "arbitrate and determine the matters in dispute." The suit was by an undersheriff for fees which the sheriff had undertaken to turn over in consideration of the undersheriff's performing the duties of the office.

John Gresham, Daniel Dulany, and Thomas Humphreys v. Thomas Gassaway. An action of debt upon a judgment confessed for costs awarded by the land commissioners. Auditors and masters were appointed to report on a question of liability for the amount.

III. ASSUMPSIT

Thomas Tench v. William Hopkins. For goods bargained and sold.

Miles Burroughs v. Thomas Tench, Administrator of Lionel Copley, Governor. Upon an account stated for goods bargained and sold.

Elizabeth Blackiston, Administratrix of Nehemiah Blackiston v. Thomas Tench, Administrator of Lionel Copley, Governor. For goods bargained and sold.

William Macklure v. William Round. For freight and demurrage on a ship "at Bridgetown, Barbadoes, to wit, South River," Maryland.

John Hyde v. James Crooke. For goods bargained and sold.

Jonathan Forward v. Gilbert Powlson. For freight, as previously stated.

This action was still clothed in the forms of tort. It was regularly characterized as one in trespass on the case, and the declarations contained the allegations of fraud in refusal to pay the amounts due, as, for example, that in the case of *Burroughs v. Tench*.

IV. ATTACHMENTS OF GOODS OF NON-RESIDENT AND ABSENT DEBTORS AND BY WAY OF EXECUTION ON JUDGMENTS

Thomas Tench v. Joseph Chew, Garnishee of Alexander Chappell. Garnishment of negroes by way of execution on a judgment.

Henry Hawkins v. Philip Lynes. Attachment upon two returns of summons *non est inventus*, upon a debt on a sealed writing obligatory.

William Macklure v. William Round. A suit in assumpsit for freight and demurrage, and attachment allowed after one return of summons *non est inventus*, and proof that the defendant was a non-resident.

Sir Edward Prideaux and Dame Mary, Ux., Executors of Sir John Rogers v. Mary Contee, Executrix of John Contee. Non-resident attachment by Mary Contee, Executrix, of funds in her own hands.

¹ Reported 1 Harris & McHenry, 34.