December Term 1815.

And thereupon the Court of Appeals here pursuant to the directions of the act of Assembly in such case made and provided order and direct a remission of the Record of proceedings aforesaid to the clerk of the County Court of Frederick with the writ of the State of Maryland of Procedendo to the said County Court directing them to proceed in the action aforesaid and to a new trial thereof in the same manner as if no trial had taken place or any Appeal had been prosecuted. The Record of proceedings aforesaid with the said Writ of Procedendo are therefore remitted to the clerk of the County Court of Frederick accordingly &c.

Memorandum At the argument and decision of this case in the Court of Appeals the Honorable John Buchanan and John Johnson Judges withdrew from the bench. Test. Th. Harris clk.

£10 36½ Eleanor Offutt vs. Ashford Trail

Be it remembered that now here on the third Monday of June being the fourteenth day of the said month in the year of our Lord one thousand Eight hundred and Eleven the chief Judge and Associate Judges of the third Judicial District of Maryland in pursuance of the act of Assembly in such case made and provided transmit to the Court of Appeals here the record of proceedings of a plea which was lately depending before them in the County Court of Montgomery between Ashford Trail plaintiff and Eleanor Offutt Defendant and wherein the said County Court gave Judgment for the said Ashford Trail against the said Eleanor Offutt and from which said Judgment the said Eleanor Offutt appealed unto the Court of Appeals here the tenor of which said Record of proceedings is in form following To Wit.

State of Maryland Montgomery County Set

At a County Court begun and held at the Court house in and for the County aforesaid on the first Monday of March being the fourth day of the same month Anno Domini one thousand Eight hundred and Eleven

Were Present

The Honourable Henry Ridgely and Richard H. Harwood Associate Judges

William Candler Sheriff

Upton Beale Clerk.

December Term 1815.

In the Record and proceedings of the same Court is the following To Wit

Ashford Trail against Eleanor Offutt

Montgomery County Set. Be it remembered that heretofore to Wit on the sixth day of October in the year of our Lord one thousand eight hundred and nine the said Ashford Trail in his own proper person filed in Court here a certain writing obligatory commonly called a Replevin Bond and which is in manner and form and of the Tenor following To Wit, Know all men by these presents that we Ashford Trail James Trail and John Flemming of Montgomery County and State of Maryland are held and firmly bound unto Eleanor Offutt of the County and State aforesaid in the full and just sum of one hundred pounds Current money to be paid unto the said Eleanor Offutt her heirs Executors Administrators and Assigns to the which payment well and truly to be made and done we bind ourselves and each of us our and each of our heirs Executors and administrators in the whole and for the whole jointly and severally firmly by these presents sealed with our seals and dated this sixth day of October Anno Domini Eighteen hundred and nine.

Whereas the above bound Ashford Trail is about to issue out of Montgomery County Court the States Writ of replevin directed to the Sheriff of Montgomery County commanding him to replevy one sow and five shoats two stacks of flax five sheep one Brown horse three bay mares and one field of corn in the possession of her the said Eleanor Offutt which is the proper goods and chattels of him the said Ashford Trail and which the said Eleanor Offutt hath taken and unjustly detains against sureties and pledges as it is said Now the Condition of the above obligation is such that if the above bound Ashford Trail do and shall well and truly prosecute the said Writ of Replevin with effect and also redeliver the goods and chattels aforesaid to the said Eleanor Offutt in case return shall be adjudged by the Judges of Montgomery County Court with all costs damages and charges occasioned by detention of the goods and chattels aforesaid and in all things stand to and abide by the Judgment of the said Court touching the premises then this obligation to be void of none effect else to be and remain in full force and virtue in Law

Signed sealed and delivered in the presence of Zadok Lanham Robert Soper

Ashford Trail (Seal)
James Trail (Seal)
John Flemming (Seal)