December Term 1836.

Isaac C Sewell & James Wilson vs. Solomon G Albers

Be it Remembered, That now here, on the second Monday in June, being the ninth day of the said month, in the year of our Lord one thousand eight hundred and thirty four the Chief Judge and Associate Judges of the third Judicial District of Maryland in pursuance of the directions 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 Calvert, between Solomon G Albers plaintiff and Isaac C Sewell & James Wilson defendants, and wherein the said County Court gave judgment for the said Solomon G Albers against the said Isaac C Sewell and James Wilson, and from which said judgment the said Isaac C Sewell and James Wilson, appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following to wit.

State of Maryland Calvert County to wit.

At a County Court of the third Judicial District of the State of Maryland begun and held at Prince Frederick Town, in and for the County aforesaid, on the second Monday in October, being the fourteenth day of the same month in the year of our Lord Eighteen hundred and thirty three.

Present.

The Honble Thomas B Dorsey Esquire Chief Judge
Charles Gilpour
Thomas H Wilkinson Esquires Associate Judges.
Henry L Harrison Esquire Sheriff.
William Hance Clk.

Among other were the following proceedings to wit

Solomon G Albers vs. Isaac C Sewell & James Wilson.

Be it Remembered that heretofore to wit, on the twelfth day of May in the year of our Lord Eighteen hundred and thirty two, Solomon G Albers by Vernon H Dorsey, his attorney, prosecuted and sued forth out of Calvert County Court here, the writ of the State of Maryland of Capias ad respondendum directed to the Sheriff of the County aforesaid, in the words and of the tenor following to wit.

Calvert County Sc. The State of Maryland to the Sheriff of Calvert County Greeting

You are hereby commanded to take Isaac C Sewell and James Wilson late of Calvert County yeomen, if in your bailiwick they shall be found, and them safe keep, so that you have their bodies before the Judges of Calvert County Court to be held at Prince Frederick Town, in said County, on the second Monday of May instant, to answer unto Solomon G Albers, in a plea of trespass on the case and so forth. Hereof fail not at your peril, and have you then and there this writ. Witness the Honorable Thomas B Dorsey Esqr. Chief Judge of the said Court. the 11th day of October Anno Domini 1831.

Issued the 12th day of May A. D 1832.

T. H. D William Hance Clk.

At which mentioned second Monday of May being the fourteenth day day of the same month in the year of our Lord Eighteen hundred and thirty two, and the return day of the foregoing writ, comes into Court here, the said Solomon G Albers by his attorney aforesaid, and the Sheriff of the County aforesaid, to wit, Henry L Harrison Gentleman, to whom the said foregoing writ was in form aforesaid directed, makes return thereof to the Court here thereon endorsed to wit "Non Sunt. H L Harrison Shff" and the said Isaac C and James do not come, thereupon the said Solomon G by his attorney aforesaid prosecuted and sued forth out of Court here, an alias writ of Capias ad respondendum, directed to the Sheriff of the County aforesaid, in the words and of the tenor following, to wit.

Calvert County Sc. The State of Maryland to the Sheriff of Calvert County Greeting

December Term 1836.

You are hereby commanded to take Isaac C Sewell and James Wilson late of Calvert County yeomen if in your bailiwick they shall be found & them safe keep so that you have their bodies before the Judges of Calvert County Court, to be held in Prince Frederick Town in said County, on the second Monday of October next, to answer unto Solomon G Albers in a plea of trespass on the case &c. Hereof fail not at your peril, and have you then and there this writ. Witness the Honorable Thomas B. Dorsey Esquire Chief Judge of the said Court the 19th day of May A. D. 1832. Issued the 6th day of June 1832

T. H. D William Hance Clk

At which said second Monday of October, being the eighth day of the same month, in the year of our Lord Eighteen hundred and thirty two and the return day of the last aforegoing writ, comes again into Court here, the said Solomon G Albers, by his attorney aforesaid, and the Sheriff of the County aforesaid, to wit, Henry L Harrison Gentleman to whom the said last mentioned writ, was in form aforesaid directed, makes return of the said writ to the Court here thereon endorsed to wit, "Cepi Corpora H L Harrison Shff" And the said Henry L Harrison, although solemnly called upon by order of said Court here, on motion of the said Solomon G, by his attorney aforesaid to bring into Court here the bodies of the said Isaac C and James according to the command of the said writ, and the tenor of his return aforesaid; bring them not in, but makes default. Whereupon on motion of the said Solomon G by his attorney aforesaid, it is ruled by the Court here, that the said Henry L Harrison Sheriff of the County aforesaid be amerced the sum of five shillings in case he brings not into Court here, the bodies of the said Isaac C and James, at the next Term of the said Court, and by the second day of the said term and the same is given to the said Solomon G also.

At which said next Term, to wit, the second Monday of May, being the thirteenth day of the same month in the year of our Lord Eighteen hundred and thirty three, and the second day of the said Term, being the fourteenth day of the said month, comes again into Court here, the said Solomon G by his attorney aforesaid, and the said Henry L Harrison Sheriff of the County aforesaid, in pursuance of the command of the writ aforesaid and according to the tenor of his return thereof as aforesaid, and in compliance with the rule of the Court aforesaid and to save the amercement aforesaid brings into Court here the bodies of the said Isaac C & James whereupon on motion of the said Solomon G, by his attorney aforesaid it is ruled by the Court here that the said Isaac C & James give special bail in the plea aforesaid; whereupon a certain James I Sewell of Calvert County yeoman, comes here into Court in his own proper person, and with the consent of the said Solomon G, by his attorney aforesaid, becomes pledge and bail, for the said Isaac C and James, that if it shall happen that the said Isaac C & James shall be committed at the suit of the said Solomon G in the plea aforesaid, then the said James I Sewell consents that all such damages costs and charges as shall be adjudged unto the said Solomon G in this behalf shall be made of his body, lands & Chattels, and levied to the use of the said Solomon G, if it shall happen that the said Isaac C and James, shall not pay such damages costs and charges, as may be adjudged as aforesaid, or render themselves to the prison and custody of the Sheriff of the County aforesaid on that occasion; whereupon on motion of the said Isaac C and James by Franklin Smith their attorney it is ruled by the Court here, that the said Solomon G declare against the said Isaac C & James in the plea aforesaid, or judgment by the Court here will be rendered against him by default thereof. whereupon the said Solomon G by his attorney aforesaid declares against the said Isaac C and James