December Term 1837

Court House in Frederick Town in and for said County on the fourth Monday and twenty third day of February in the year of our Lord one thousand eight hundred and thirty five

Were Present

The Honorable John Buchanan Esquire Chief Judge; Abraham Shriver & Thomas Buchanan Esquires Associate Judges

Mahlon Talbott Esquire Sheriff John Schley Clerk

In the Record of Proceedings of the same Court among others are the following Viz

Samuel W Gosnell & Thomas E Hambleton trading under the firm of Gosnell & Hambleton versus George Warfield

No 160 Trials February term 1836
Action on the case. Judgment &c

Be it remembered that heretofore towit on the tenth day of February in the year of our Lord one thousand eight hundred and thirty four the said Gosnell & Hambleton by Madison Nelson Esquire their attorney prosecutes and sues forth out of the Frederick County Court here the writ of the State of Maryland of Capias ad respondendum to the Sheriff of said County directed in the words and of the tenor following towit Trials Frederick County towit The State of Maryland to the Sheriff of Frederick County Greeting You are hereby commanded to take George Warfield late of Frederick County Yeoman if he shall be found in your bailiwick and him safe keep so that you have his body before the Judges of the next County Court to be held at the Court house in Frederick Town in and for the said County on the fourth Monday of February Instant to answer unto Samuel W Gosnell and Thomas E Hambleton trading under the firm of Gosnell and Hambleton 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 John Buchanan Esquire Chief Judge of the said Court the twenty eighth day of October in the year of our Lord 1833 Issued the tenth day of February eighteen hundred and thirty four (M. Nelson) John Schley Clerk

At which said fourth Monday of February in the year of our Lord one thousand eight hundred and thirty four and the return day of the said writ come again into the County Court here the said Gosnell and Hambleton by their attorney aforesaid and the sheriff of Frederick County aforesaid to whom the said writ was in form aforesaid directed makes return thereof to the Court here thus endorsed towit "Non Est Mahlon Talbott Sheriff" And the said George does not come Thereupon the said Gosnell and Hambleton by their attorney aforesaid prosecutes and sues forth out of the County Court here an alias writ of capias ad respondendum to the sheriff of Frederick County aforesaid directed in the words and of the tenor following Viz Trials Frederick County towit The State of Maryland to the Sheriff of Frederick County Greeting You are hereby commanded to take George Warfield late of Frederick County Yeoman if he shall be found in your bailiwick and him safe keep so that you have his body before the Judges of the next County Court to be held at the Court house in Frederick Town in and for the said County on the fourth Monday of October next to answer unto Samuel W Gosnell and Thomas E Hambleton trading under the firm of Gosnell and Hambleton in a plea of trespass on the case

December Term 1837

and so forth Hereof fail not at your peril and have you then and there this writ Witness the Honorable John Buchanan Esquire Chief Judge of the said Court the twenty fourth day of February in the year of our Lord 1834 Issued the thirteenth day of April Eighteen hundred and thirty four (M Nelson) John Schley Clerk

At which said fourth Monday of October in the year of our Lord one thousand eight hundred and thirty four and the return day of the foregoing writ come again into the County Court here the said Gosnell and Hambleton by their attorney aforesaid and the Sheriff of Frederick County aforesaid to whom the said writ was in form aforesaid directed towit Mahlon Talbott Esquire makes return thereof to the Court here thus endorsed towit "Cepi" Mahlon Talbott Shff" And the said George being called appears in Court here by Joseph H Palmer Esquire his attorney and thereupon on motion of the said Gosnell and Hambleton by their attorney aforesaid it is ruled by the Court here that the said George give special bail in the plea aforesaid or in default thereof be committed to the custody of the Sheriff of Frederick County aforesaid Thereupon a certain Ephraim Cook present here in Court in his proper person and with the consent of the said Gosnell and Hamilton by their attorney aforesaid undertakes for the said George that in case the said Gosnell and Hambleton shall recover Judgment against the said George in the plea aforesaid or that he the said George shall be therein legally convict that then the said George shall pay the condemnation of the Court thereupon or render his body to the custody of the Sheriff of Frederick County in satisfaction thereof or that he the said Ephraim Cook will do the same for him, And thereupon the said George by his said attorney prays that the said Gosnell and Hambleton may declare against him in the plea aforesaid And thereupon it is ruled by the Court here that the said Gosnell and Hambleton declare against the said George in the plea aforesaid or that judgment will be rendered against them in default thereof And the said Gosnell and Hamilton by their attorney aforesaid pray leave of the Court here to imparle until the fourth Monday of February next and then to declare against the said George in the plea aforesaid and to him it is granted the same day is given to the said George At which said fourth Monday of February in the year of our Lord one thousand eight hundred and thirty five until which day the Gosnell and Hambleton has leave to imparle and then to declare against the said George in the plea aforesaid come again into the County Court here as well the said Gosnell and Hambleton by their attorney aforesaid as the said George by his attorney aforesaid And the said Gosnell and Hambleton by their attorney aforesaid declare against the said George in the plea aforesaid as follows Vizt "Frederick County towit George Warfield late of Frederick County Yeoman was attached to answer unto Samuel W Gosnell & Thomas E Hambleton trading under the firm of Gosnell and Hambleton in a plea of trespass on the case and so forth And whereupon the said Samuel W and Thomas E by M. Nelson their attorney complain that whereas the said George on the twelfth day of August in the year of our Lord Eighteen hundred and thirty three at Baltimore City that is to say at Frederick County aforesaid made his certain promissory note in writing bearing date the day and year aforesaid and thereby then and there one day after date promised to pay to Gosnell and Hambleton or order three hundred seventy three dollars twenty five cents for value