December Term 1861

Henry Clary vs Anthony Kimmell

Be it remembered that came here in the Fourth Monday in December being the sixth day of the said month in the year of our Lord one thousand eight hundred and sixty eight the Judge of the First Judicial Circuit of Maryland in pursuance of the directions of the Act of Assembly in such case made and provided transmits to the Court of Appeals here the record of proceedings of a plea which was lately depending before him in the Circuit Court for Frederick County between Henry Clary plaintiff and Anthony Kimmell defendant and wherein the said Circuit Court gave judgment for the said Anthony Kimmell against the said Henry Clary and from which said judgment the said Henry Clary appeals to the Court of Appeals by which time of which said record of proceedings is in form following to wit

State of Maryland Frederick County to wit

At a Circuit Court of the Third Judicial Circuit of the State of Maryland begun and held at the Court House in Frederick Town in and for said County on the third Monday and 18 day of October in the year of our Lord 1858

Present The Honorable Madison Nelson Judge
Jno M Ebbert Sheriff
B F Feltzhugh Clerk

In the Record of Proceedings of the said Court among other were the following to wit

Henry Clary vs Anthony Kimmell

No 16 Trespass to Oct Term 1858
In Circuit Court for Frederick County
Action of Trespass quare clausum fregit

Be it remembered that heretofore to wit on the 24 day of June in the year of our Lord 1853 the said Henry Clary by Richard H Marshall his attorney filed in Court here the following Memorandum to wit.

Henry Clary vs Anthony Kimmell

Trespass quare clausum fregit.

In Circuit Court for Frederick County

Mr Shriver will issue in the above case for Henry Clary in a plea of trespass for that Anthony Kimmell on the 3d day of August 1852 and on divers other days and times between that day and the commencement of this suit with force and arms to the close of the said Henry Clary situate lying and being in Frederick County aforesaid and there and then felled and cut down, prostrated, destroyed and carried away the timber trees of the said Henry Clary there and there growing and found to wit 100 Hickory trees 100 Black oak trees 100 White oak trees 50 Chestnut trees and 300 other trees of the said Henry Clary of great value to wit, the value of $1000 and other wrongs to the said Henry Clary there and there did to the great damage of the said Henry Clary and against the peace government and dignity of the State of Maryland &c

December 1861.

R H Marshall Pltff's atty

Wherein was pronounced and filed with the Circuit Court for the State of Maryland of quare clausum fregit directed to the Sheriff of Frederick County in the words and figures following to wit

Frederick County to wit

The State of Maryland To the Sheriff of Frederick County Greeting. You are hereby commanded to summon Anthony Kimmell late of Frederick County yeoman that he be and appear before the Circuit Court for Frederick County to be held at the Court House in Frederick Town in and for said County on the 3d Monday of October next to answer unto Henry Clary in a plea of trespass for that Anthony Kimmell on the 3d day of August 1852 at divers other days and times between that day and the commencement of this suit with force and arms to the close of the said Henry Clary situate lying and being in Frederick County aforesaid and there and then felled and cut down, prostrated, destroyed and carried away the timber trees of the said Henry Clary there and there growing and found to wit 100 Hickory trees 100 Black oak trees 100 White oak trees 50 Chestnut trees and 300 other trees of the said Henry Clary of great value to wit, of the value of $1000 and other wrongs to the said Henry Clary there and there did to the great damage of the said Henry Clary and against the peace government and dignity of the State of Maryland,

Whereof he is not to said and fail at your peril and have you then and there this writ. Witness The Honorable Madison Nelson Judge of the said Court the 28 day of January in the year of our Lord 1853. Issued the 24 day of June 1853.

R H Th

Edwd Shriver Clk

At which said 3 Monday of October in the year of our Lord 1853 and the day of the return of the aforesaid writ came into the Circuit Court here the said Henry by his attorney aforesaid and the said Sheriff of Frederick County to wit Casper Mantz gentleman to whom the said aforesaid writ was given in hand to execute and makes his return thereof to the Court here that he executed the same to wit Jacob Casper Mantz Jr and the said Anthony being called appears in Court by William P Maulsby and Frederick J Nelson his attorneys and prays that the said Henry may declare against him in the plea aforesaid and if the said Henry doth not declare against the said Anthony in the plea aforesaid Judgment will be rendered against him in default thereof and the said Henry by his attorney aforesaid prays leave of the Court here to amend the second Monday of January next, and then to declare against the said Anthony in the plea aforesaid and to which the same day is given to the said Anthony &c at which said second