

COURT OF COMMON PLEAS,—April Term, A. D. 1836.

ASAHEL QUIMBY, of New Chester, in our County of Grafton, Yeoman, Plaintiff, against CHARLES GILMAN, late of Sandbornton, in said County of Strafford, Esquire, but now of the City of Baltimore in the State of Maryland, Defendant.

**T**HIS is a *scire facias*, which sets forth that the Plaintiff at the Court of Common Pleas holden at Gilford, within and for said County of Strafford, on the first Tuesday of October, A. D. 1835, recovered judgment against GILMAN DODGE, of Boston, in the County of Suffolk and Commonwealth of Massachusetts, Yeoman, for the sum of one hundred seven dollars, seventy-three cents, costs of suit,—That the Plaintiff on the twentieth day of October A. D. 1835, purchased a writ of execution on the said judgment for the costs aforesaid and on the twenty-first day of said October, said Plaintiff delivered said execution to Caleb Kimball, Deputy Sheriff of said County of Strafford, to be executed and returned according to law,—That the said Gilman Dodge has neglected to satisfy said judgment and has avoided so that he could not be taken in said execution,—That said Kimball, Deputy Sheriff as aforesaid, kept the said execution in his hands until the return day thereof and then returned the same to the said Court, when and where the same was returnable, with a return of his doings thereon in the words following, *viz*: “*Strafford, ss. January 19th 1836. Non est Inventus.*”

CALEB KIMBALL, Dep. Sheriff.”

And that Charles Gilman, then of Sandbornton in said County of Strafford, Esquire, but now of the City of Baltimore in the State of Maryland, endorsed his name on the back near the bottom of the original writ in the suit aforesaid, before the service of the same and thereby became chargeable to pay said costs to said Asahel Quimby who was defendant in that suit. The Sheriff or his Deputy was commanded to make known to the said Charles Gilman, to appear at the Court of Common Pleas to be holden at Rochester in said County of Strafford, at this term to shew cause, if any he had wherefore the Plaintiff ought not to have his execution against him the said Gilman, for his costs aforesaid, together with seventeen cents more for said writ of execution.

It being suggested to the Court, that the service of the writ in this action was made by leaving a true and attested copy of the said writ of *scire facias* with a true and attested copy of the officer's return thereon, at the last and usual place of abode of said Gilman, in said Sandbornton, and that the defendant being out of this State, had not been personally notified of the pendency of this suit,

It is ORDERED, by the Court, that this action be continued to the next term of this Court to be holden at Gilford, within and for said County of Strafford, on the first Tuesday of October next, and that notice of the pendency thereof be given, by publishing a copy of this order in the New Hampshire Patriot and State Gazette, a newspaper printed at Concord in this State, five weeks successively, the last publication whereof to be, at least thirty days, prior to said first Tuesday of October next, that the defendant may then and there appear and answer to said suit, if he see cause.

Attest—F. COGSWELL, Clerk.

A true copy—Attest,

F. COGSWELL, Clerk.

G. M. PHELPS, Esquire, }  
Attorney of the Plaintiff. }