next, the same day is given to the said parties there then &c. At which said last Monday in November, being the twenty eighth day of the said month, in the year of our Lord one thousand eight hundred and twenty five, come again into the Court of Appeals here the parties aforesaid by their Attornies aforesaid; whereupon further process of and upon the premises, between the parties aforesaid is by virtue of an act of Assembly in such case made and provided, further continued before the Court of Appeals here until the first Monday in June next, the same day is given to the said parties there then to hear the judgment of the Court of Appeals here of upon the said premises &c. And now at this day, to wit, the said first Monday in June, being the fifth day of the said month in the year of our Lord one thousand eight hundred and twenty six, come again into the Court of Appeals here the parties aforesaid by their Attornies aforesaid; whereupon as well the record and proceedings aforesaid, and the judgment given in form aforesaid, as the matters aforesaid ~~therein~~ by the said John Fowler above for error assigned being seen, and by the Court of Appeals here fully understood, and mature deliberation thereupon had, for that it appears to the Court of Appeals here that there is no error in the record of proceedings aforesaid nor in the giving of the judgment aforesaid: Therefore it is considered by the Court of Appeals here, that the judgment aforesaid given in form aforesaid, be in all things affirmed and stand in full force and effect, the said causes for error above assigned and alleged in any wise notwithstanding; and it is further considered by the Court of Appeals here that the Handy H. Irving trustee as aforesaid have execution against the said John Fowler as well for the debt, damages, costs & charges aforesaid adjudged unto him in the said County Court of Somerset, as also the sum of ten dollars one cent and two thirds of a cent, adjudged unto the said Handy H. Irving, trustee as aforesaid by the Court of Appeals here on his appeal for his costs and charges which he hath sustained by occasion of the delay of the execution of the judgment aforesaid by pretext of the prosecution of the said appeal by the said John Fowler for the correcting of errors of and upon the premises as aforesaid prosecuted &c.

Memorandum. Judgment was affirmed in this case on the 5th day of June 1826 and execution awarded for the sum of $12000 Debt and $5.783 Costs in County Court & $10.01⅔ Costs in Court of Appeals: to be released on payment of $5710. with interest thereon from the 28th day of September 1822. until paid & Costs.

Attest James Parrott Clk

And be it remembered that on the seventh day of June in the year of our Lord one thousand eight hundred and twenty six the said Handy H Irving trustee as aforesaid by William W. Handy Esquire his attorney, prosecuted and sues forth out of the Court of Appeals here of and upon the judgment aforesaid, so as aforesaid in the said Court affirmed, a writ of the State of Maryland of Fieri facias to the Sheriff of Somerset County directed in the words & figures and of the tenor following, to wit.

Maryland Sct. The State of Maryland to the Sheriff of Somerset County greeting

Whereas at a County Court begun and held at Princess Anne in & for Somerset County on the third Monday of September in the year of our Lord 1822, a certain Handy H Irving, Trustee of Esme M'Allen by judgment of the same Court recovered against a certain John Fowler, as well the sum of twelve thousand dollars current money a certain Debt, as the sum of five dollars

seventy eight and one third cents which in the said County Court was adjudged unto the said Handy H Irving, for his damages which he has sustained as well by occasion of the detention of that debt, as for his costs and charges by him about his suit in that behalf expended whereof the said John Fowler is convict as by inspecting the record of proceedings of the same County Court, brought before the Court of Appeals held for the Eastern shore of the said State at Easton in Talbot County by reason of errors alleged to have been therein, manifestly appears: And forasmuch as it hath been adjudged in the said Court of Appeals at Easton aforesaid on the first Monday of June, in the year of our Lord 1826, that the said judgment given in form aforesaid be in all things affirmed and ratified, and that the said Handy H Irving might have execution against the said John Fowler for as well the debt damages costs and charges aforesaid, as adjudged unto him in the said County Court of Somerset, as also for the sum of ten dollars one cent and two thirds of a cent, for his costs and charges by him sustained by reason of delaying the execution of the judgment aforesaid, by means of the prosecuting an appeal by the said John Fowler before the said Court of Appeals whereof the said John Fowler is convict, as by the record and proceedings of the said Court of Appeals is also manifest: Therefore you are hereby commanded that of the goods and chattels lands and tenements of the said John Fowler, being in your bailiwick you cause to be made and levied the debt, damages costs and charges afs. and have you those sums of money before the said Court of Appeals to be held for the Eastern shore of the said State at Easton in Talbot County, on the last Monday in November next, to satisfy unto the said Handy H Irving Trustee as aforesaid the debt, damages, costs and charges aforesaid. Hereof fail not at your peril and have you then there this writ. Witness the Honorable John Buchanan Esquire Chief Judge, of our said Court the 5th day of June 1826. Issued the 7th day of June 1826.

Test. James Parrott Clk.

At which said last Monday in November, being the twenty seventh day of the said month, in the year of our Lord one thousand eight hundred and twenty six, and the return day of the aforegoing writ, comes into the Court of Appeals here the said Handy H Irving, Trustee as aforesaid, by his Attorney aforesaid, and the Sheriff of Somerset County aforesaid, to whom the said aforegoing writ was in form aforesaid directed, makes return thereof to the Court here thus endorsed to wit "Lands and Tenements seized in execution and sold as per Return within annexed in writ, and as for not a writ.

Robt Stewart Shff S.C.

The Return and Receipt above mentioned, are in the following words and figures to wit. I Robert Stewart Sheriff of Somerset County Certify to the Honorable the Court of Appeals in the annexed writ mentioned that by virtue of the said writ to me directed I did on the twentieth day of June in the year of our Lord eighteen hundred and twenty six lay the same upon a tract or part of a tract of Land called Spring Hill & the appurtenances containing three hundred and twenty five acres more or less which said lands and premises, and the appurtenances were in my bailiwick. And I do further Certify that I did, there being no newspaper published within Somerset County my bailiwick give notice by advertisements, set up at the Court House Door of said County, and at the several publick places give due & legal notice to wit more than twenty days, that I would at the Town of Salisbury within my bailiwick on the twenty eighth day of October Anno Domini Eighteen hundred and twenty six expose to publick sale to the highest and best bidder the said lands and