December Term 1828

against him with the additional costs thereon on the fourteenth day of March then next following according to the act of Assembly in such case made and provided. Which said confession in form aforesaid taken was by the same Justices returned to the Court of Appeals and shewed the said William H Llewellin, John Llewellin and Gustavus Brown are convict as of record is manifest. And whereas also on the eighteenth day of April in the year of our Lord one thousand eight hundred and twenty six the then Sheriff of the county aforesaid was commanded, that of the goods and chattels lands and tenements of the said William H Llewellin, John Llewellin and Gustavus Brown being in his bailiwick he should cause to be made the debt damages costs and charges aforesaid and that he should have those sums before the said Court of Appeals to be held at the City of Annapolis on the second Monday in June then next to render unto the said Francis Nicols the debt damages costs and charges aforesaid. On which said second Monday in June in the year one thousand eight hundred and twenty six the then Sheriff made return to the said Court of Appeals that by virtue of the said writ to him directed for that purpose he had taken one tract or parcel of land called Penryn containing ten hundred acres more or less of the lands and tenements of the said William H Llewellin, John Llewellin and Gustavus Brown in your bailiwick being to satisfy unto the said Francis Nicols the debt damages costs and charges aforesaid in the said writ mentioned, which said lands and tenements remained in his hands unsold for want of buyers so that the said debt damages costs and charges he could not have as he was by the said writ commanded. And whereas on the twenty second day of December in the year eighteen hundred and twenty six the said then Sheriff to wit William Williams was commanded that the said lands and tenements so as aforesaid taken he should expose to sale and the money therefrom arising he should have before the said Court of Appeals to be held at the City of Annapolis on the second Monday in June then next to render unto the said Francis Nicols the debt damages costs and charges aforesaid and all such costs as had accrued on the said writ of fieri facias. On which said second Monday in June in the year one thousand eight hundred and twenty seven the said William Williams then Sheriff as aforesaid made return to the said Court of Appeals that the tract or parcel of land called Penryn so as aforesaid taken had been sold under a judgment so that the said debt damages costs and charges he could not have as by the said writ he was commanded. Therefore you are hereby commanded that of the goods and chattels lands and tenements of the said William H Llewellin John Llewellin and Gustavus Brown being in your bailiwick you cause to be made the debt damages costs and charges aforesaid and have you those sums of money before the said Court of Appeals to be held at the City of Annapolis on the first Monday in December next to render unto the said Francis Nicols the debt damages costs and charges aforesaid. Hereof fail not at your peril and have you then and there this writ. Witness the Honorable John Buchanan Esquire Chief Judge of the Court of Appeals the ninth day of June in the year of our Lord one thousand eight hundred and twenty eight.

Issued the 4th day of October 1828

(Lancin) Th. Harris clk

Which said writ of fieri facias was thereon endorsed as follows to wit. Debt two hundred and ninety five dollars, eighty three and two third cents current money, damages six hundred dollars current money, costs six dollars seventy eight and one third cents, Court of Appeals costs ten dollars and thirty eight cents, attorney costs three dollars and twenty three cents. To be released on payment of two hundred and ninety five dollars, eighty three and two third cents with interest from twenty seventh day of November eighteen hundred and twenty one till paid and the above costs.

And now at this day to wit the said first Monday in December being the first day of the said month in the year of our Lord one thousand eight hundred and twenty eight and the return day of the foregoing writ, comes into the Court of Appeals here the said Francis Nicols by his attorney aforesaid, and the Sheriff of St. Marys county aforesaid to whom the said writ was in form aforesaid directed to wit, Thomas W. Morgan

December Term 1828.

Gentleman, makes return thereof to the Court here, thus endorsed, to wit. "Sold as per Schedule and land sold and satisfied per receipt on ffa.

The Schedule referred to in the said return is as follows to wit: Saint Marys county to wit. We the Subscribers being duly sworn and sworn by the Sheriff of the county aforesaid by virtue of a writ of the State of Maryland of fifa facias at the suit of Francis Nicols to appraise the goods and chattels lands and tenements of William H Llewellin John Llewellin Gustavus Brown, Richard H Wills and Thomas Brown do appraise the same in current money as follows viz. one tract or parcel of land call.d Penyrun containing the acres more or less a $10 per acre.

Property given in by Rich.d H. Wills.

Given under our hands and seals this 29th day of October in the year of our Lord one thousand eight hundred and twenty eight.

Thomas W Morgan Shff. — A B C Hill (Seal) — John his x mark Ellis (Seal) — Test. — Thomas Harris clk.

Robert Welch of Ben & James C Sellman use of James C Sellman vs Benjamin Owens.

June Term 1829.

Be it remembered. That heretofore to wit, on the eleventh day of February in the year of our Lord one thousand eight hundred and twenty nine Robert Welch of Ben and James C Sellman by Thomas S. Alexander their attorney, prosecuted and sued forth out of the Court of Appeals here a writ of the State of Maryland of Venditioni Exponas to the Sheriff of Anne Arundell county directed in the words and figures following to wit:

Maryland Sc. The State of Maryland. To Richard Iglehart Esquire Sheriff of Anne Arundell county Greeting. Whereas at a county court, begun and held at Annapolis in and for Anne Arundel county on the third Monday of April in the year of our Lord one thousand eight hundred and twenty six a certain Robert Welch of Ben and James C Sellman by judgment of the said Court recovered against a certain Benjamin Owens surviving partner of John Welch as well the sum of five thousand dollars current money for their damages which they had sustained by occasion of the non performance of a certain promise and assumption to the said Robert Welch of Ben and James C Sellman by the said John Welch and Benjamin Owens in the life time of the said John Welch before that time made as the sum of seven dollars forty six and two thirds cents for their costs and charges by them about their suit in that behalf laid out and expended, whereof the said Benjamin Owens surviving partner as aforesaid is convict, as by inspecting the record of proceedings of the same Court, brought before the Court of Appeals for the Western Shore, at the City of Annapolis by reason of errors alleged to have been therein manifestly appears. And whereas it hath been adjudged in the said Court of Appeals, at the City of Annapolis aforesaid, on the second Monday in June in the year of our Lord one thousand eight hundred and twenty seven, that the said judgment, given in form aforesaid, be in all things affirmed and ratified, and that the said Robert Welch of Ben and James C Sellman might have execution against the said Benjamin Owens surviving partner as aforesaid for as well the damages costs and charges aforesaid, as adjudged unto them in the said County Court, as also for the sum of nine dollars and ninety two cents for their damages costs and charges by them sustained by reason of delaying the execution of the judgment aforesaid, by means of the prosecuting a certain writ of the said State by the said Benjamin Owens surviving partner as aforesaid before the said Court of Appeals for the correcting of errors and upon the premises, whereof the said Benjamin Owens surviving partner as aforesaid is convict, as of record it likewise appeareth: And whereas also on the thirteenth day of December in the year of our Lord one thousand eight hundred and twenty seven, you were commanded, that of the goods and chattels, lands