The Sale under the Venditioni Exponas was void because. First. The Judgment under which it was sold was satisfied two weeks before the Sale by a payment by a third person, yet the sale took place under the writ issued by the original plaintiff before such satisfaction that is. that the land was sold to satisfy a Judgment due John Mathews. when John Mathews had received the full amount of such Judgment two weeks previous to such sale. Secondly. The Sale took place nearly four months after the return day of the said Venditioni Exponas and after the intervention of a Court between the time of its issuing and that of the sale under it. 3d. That the liens which were said to have attached upon the lands sold do not and did not attach at the time of sale. save upon a very small part of the lands sold. which were purchased by said Hawkins in his life time. The only Interest of the said Hawkins being an estate prior autre vie in another part of the said lands: and a remainder not reduced into possession in the other and largest part. upon neither of which interests do Judgments constitute a lien in the opinion of counsel, save by the issuing and levying a fieri facias consequently that as no such fieri facias was upon the other Judgments they would not be liens upon the lands in the hands of the present purchasers.

Thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of said parties and their attornies aforesaid and by order of the Court here thereon is further continued untill the third Monday in August next. At which said ~~then~~ tioned third Monday of August being the nineteenth day of the same month in the year of our Lord one thousand eight hundred and thirty three comes again into the County Court here as well the said James I Weems by his attornies aforesaid as the said Elizabeth E B Hawkins by Walter A Smoot her Guardian and next Friend by her attornies aforesaid. And the said Elizabeth E B Hawkins by Walter A Smoot her Guardian & next Friend by her attornies aforesaid files in Court here the following additional depositions to wit." Charles County to wit. Be it remembered that on this sixteenth day of November Eighteen hundred and thirty three personally appears before me the subscriber one of the State of Marylands Justices of the peace for Charles County Charles Robey Sen and makes oath on the Holy Evangely of Almighty God, that he has known the land of which Henry Smith Hawkins died possessed for fifty years. That take it altogether he thinks it equal to any land in Charles County and worth at the most moderate valuation twelve dollars per acre. Sworn Before Charles M'Cam

on the back of the aforegoing Deposition is the following endorsement to wit Filed the 16th day of November 1833 & received by consent of Counsel

Test John Barnes Clk

Charles County to wit Be it remembered that on this fourteenth day of November Eighteen Hundred and thirty three personally appeared before a Justice of the peace for Charles County Edward Edelin Sen and makes oath on the Holy Evangely of Almighty God that he has long known all the Lands of which Henry S Hawkins died seized and possessed and that he thinks all the land is worth at a fair average value twelve dollars per acre he is particularly acquainted with the various parcels called Hawkins Smith

Smith Ford" Hogs Range" and Saturdays Work' and thinks each worth twelve dollars per acre that "Hogs Range" is particularly valuable on account of the heavy growth of timber, that "Saturdays Work" is fertile soil and with some ditching would be worth much more than the value he appraised it at, and that Hawkins Smiths Ford" is not only fine fertile land, but well timbered and fairly and fully worth the amount he values it at. That "Saturdays Work" could well have been sold seperately from the rest as it is a distinct & seperate parcel of land and that "Hogs Range" likewise might have been seperately sold without any injury to the rest, as it is likewise distinct, that were the alternative offered him, he would even prefer the land to the amount in money appraising it at twelve dollars per acre. Sworn before Josias Hawkins

On the back of the aforegoing deposition is thus written to wit. Filed 14th of November 1833 & received by consent of Counsel 16th November 1833

John Barnes Clk

Whereupon for that the Court here are not advised to give their Judgment of and upon the premises aforesaid, day therefore is further given to the said parties to hear thereof their Judgment untill the third Monday in March next for that the said Court here as yet are not &c &c. And now here at this day to wit the third Monday in March being the seventeenth day of the same month in the year of our Lord one thousand Eight hundred and thirty four comes again into the County Court here as well the said James I Weems by his attornies aforesaid as the said Elizabeth E B Hawkins by Walter A Smoot her guardian and next friend by her attornies aforesaid. And the said James I Weems by his attornies aforesaid file in Court here the following additional deposition to wit The additional deposition of John Mathews being duly sworn on the Holy Evangely of Almighty God deposeth & saith. That when William B Stone Esquire paid Deponent the amount of the Judgment under which the Lands were sold as stated in Deponents former deposition. Deponent was under the impression the payment was made in consequence the former promise made by him to deponent. Taken & Sworn to in open Court this 29th day of March 1834.

John Barnes Clk

The Supplemental deposition of Thomas Perry late Sheriff of Charles County being duly sworn on the Holy Evangely of Almighty God deposeth and saith. that since his former examination as a witness in this cause. he has had conversation with Joseph Stone who was one of his deputies and from impressions made on Deponents mind in said conversations he believes he entered on the land taken under the Fieri Facias, and set up the first advertisement and that said Stone sent by some other person or set up himself the advertisement offering the land for sale under the Venditioni Exponas issued, that John Mathews who had the Controul of the Fieri Facias; directed directed Deponent not to advertise the land at the time of making the levy but that he Mathews would thereafter give him directions how to proceed. Taken & Sworn in open Court this 29th day of March 1834

Test John Barnes Clk

And the said James I Weems by his attornies aforesaid files in Court here the following receipt to wit. I Hereby achnowlege to have received of John B Wills & William Thompson on or about the first day of May Anno