that the principal settled by this Court may be carried into effect, & that the amount of the Estate of Henry Moore deceased & above named, may be ascertained according to the agreement of the parties in this case of the 10th day of March 1834 filed in this Court

Test John Johnson Clk.

Edward McMechen
vs
Thomas Marman

Be it remembered That now here on the Second Monday in June being the Eighth day of the said month in the Year of our Lord one thousand eight hundred and thirty five the Cheif Judge and Associate Judges of the fifth Judicial District of Maryland in pursuance of the directions of the Act of Assembly in such case made and provided transmit to the Court of Appeals here the record of proceedings of a plea which was lately depending before them in the County Court of Frederick between Edward McMechen plaintiff, and Thomas Marman defendant and wherein the said County Court gave Judgment for the said Thomas Marman against the said Edward McMechen and from which said Judgment the said Edward McMechen appealed to the Court of Appeals here the tenor of which said record of proceedings is in form following, to wit:

State of Maryland, Frederick County, Sc.

At a County Court begun and held at the Court house in Frederick town in and for said County on the fourth Monday and twenty third day of February in the Year of our Lord One thousand eight hundred and thirty five. — Were present

The Honourable John Buchanan Esq. Cheif Judge
Abraham Shriver } Esquires
Thomas Buchanan } Associate Judges
Marlon Talbott Esquire Sheriff and John Schley Clerk

In the record of proceedings of the same Court among others are the following Viz.:—

Edward McMechen
vs
Thomas Marman

Petition &c.

Be it remembered that heretofore to wit on the fourth day of November in the Year of Our Lord One Thousand eight hundred and thirty four the said Edward McMechen by Thomas Contee Worthington Esquire his Attorney, filed in Court here his petition in the words and of the tenor following, that is to say:- To the Honourable the Judges of Frederick County Court- The Petition of Edward McMechen of Frederick County humbly sheweth that your petitioner is the purchaser of all the right, title and interest of Solomon Rank late of the County aforesaid in parts of Lots numbers 179-180- and 181, in the City of Frederick as will appear by reference to number 49 & 81 on the Judicial docket of Frederick County Court, of October Term 1834 and the returns of the Sheriff of Frederick County to the writs numbered as aforesaid; that since he became the purchaser as aforesaid he has demanded possession of the parts of Lots so purchased of Thomas Marman, who is in possession thereof as will appear by the affidavits herewith exhibited lettered A & B. and that the said Marman has failed and refused to deliver possession thereof, that the said Marman holds possession of the said parts of Lots under the said Solomon Rank by title subsequent to the dates of the Judgments under which the same were sold, and having failed and refused to deliver possession of the said parts of Lots to your petitioner as the purchaser thereof, Your petitioner prays that your Honours will lay a rule on the said Thomas Marman or person in possession, to shew Cause within the first four days of the next term of Frederick County Court, to wit, at February term 1835 why a writ or writs of habeas facias possessionem shall not issue to deliver

possession of the said parts of Lots to your petitioner, as the purchaser thereof.

Thomas C. Worthington
Attorney for Petitioner

Exhibit, A:— State of Maryland Frederick County, to wit; Be it remembered that on this twenty fifth day of October in the year 1834 personally appears Zachariah Hewitt of the County aforesaid before me the Subscriber a Justice of the peace of the state aforesaid in and for the County aforesaid makes oath on the Holy Evangely of Almighty God that Thomas Marman being in the actual possession of a Lot or parts of Lots of Ground, lying in the City of Frederick which was purchased of the Sheriff of Frederick County at a sale by the said Sheriff on the 16th day of May 1834 under two writs of Fi. fas. on Judgments of Samuel Young and John Brunner in Frederick County Court against Solomon Rank, the said deponent was present with Edward McMechen on the 11th day of October 1834, when he heard the said Edward McMechen demand of the said Thomas Marman the possession of the said parts of Lots, late the property of the said Solomon Rank, as the purchaser of the said parts of Lots at the Sheriffs sale aforesaid, and that the said Thomas Marman being in possession, did refuse and fail to deliver the possession of the said parts of Lots to the said Edward McMechen. Sworn before

John McDonald.

Exhibit B.— State of Maryland Frederick County, to wit:- Be it remembered that on this twenty fifth day of October 1834 personally appears Edward McMechen of the County aforesaid before me the subscriber a Justice of the peace of the State aforesaid in and for the County aforesaid and makes Oath on the Holy Evangely of Almighty God that Thomas Marman being in the actual possession of parts of 179, 180 & 181 Lots of Ground situated in the City of Frederick which the said deponent purchased of the Sheriff of Frederick County at a sale by the said Sheriff on the 16th of May in the year 1834 under two writs of fieri facias on Judgments of Samuel Young & John Brunner in Frederick County Court against Solomon Rank, and the said Marman holding the same under the said Solomon Rank by a title subsequent to the said Judgments as the said deponent is informed and verily believes; he the said deponent did on the Eleventh day of October 1834 demand of the said Thomas Marman being in possession as aforesaid the possession of the said parts of Lots of Ground as the purchaser thereof as aforesaid and the said Thomas Marman did then fail and refuse to deliver the possession of the said parts of Lots of ground to the said deponent as the purchaser thereof, and the said Thomas Marman still fails and refuses to deliver the same.

Sworn before Jno. McDonald.

No 49 Judicials
October Term 1834

Frederick County to wit: State of Maryland, to the Sheriff of Frederick County Greeting:-

(Seal)

Whereas at a County Court, begun & held at the Court house in Frederick town, in and for said County on the fourth Monday of October last a certain John Brunner by Judgment of the same Court, recovered against a certain Solomon Rank as well the sum of One hundred and ninety four dollars and Eighty three cents current money, a certain debt, as the sum of four hundred dollars for his damages which he had sustained, as well by reason of the detention of that debt as for his Costs and charges by him about his suit in that behalf expended; Whereof the said Solomon Rank is convict as it appears of record. Therefore you are hereby commanded that of the goods and chattels lands and tenements of the said Solomon Rank being in your bailiwick, you cause to be made the Debt damages costs and charges aforesaid, and have you those sums before the Judges of the next County Court to be held at the Court house in Frederick town in and for the said County on the fourth Monday of October next, to render unto the said