allege to the Court of Appeals here, any matter or thing for the reversal of the judgment aforesaid; nor insist upon the matters aforesaid, by him above for error assigned: Therefore it is considered by the Court of Appeals here, that the judgment aforesaid, in form aforesaid given, be in all things affirmed, and stand in full force and effect, the said causes above for error assigned, in anywise notwithstanding; and it is further considered by the Court of Appeals here, that the said Benjamin Perry and Gassaway Perry administrators aforesaid, have execution against the said Warren Magruder as well for the debt, damages, costs and charges aforesaid, so as aforesaid, adjudged unto them, in the said County court of Montgomery, as also for the sum of ten Dollars and twenty two cents adjudged unto them, by the Court of Appeals here, on their assent for their costs and charges, which they had 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 Warren Magruder for the correcting of errors of and upon the premises as, aforesaid, prosecuted, and so forth.

Memorandum. Judgment was affirmed nisi in this case, and made absolute on the 16th day of July 1825 and execution awarded for the sum of four hundred and thirteen dollars current money Debt, nine hundred dollars current money damages, five dollars, sixteen and two third cents costs, on original judgment, six dollars, thirteen and one third cent costs on Fieri Facias and costs to be released on payment of four hundred and thirteen dollars, with interest from the 31st March 1815 till paid, and the above costs and costs — Paid One hundred dollars, thirty first of March eighteen hundred and eighteen — Paid forty dollars, December the second eighteen hundred and twenty. Stay of execution, until the end of December Term 1825

32 fa Ex.

Test

Richard W. Gill Clk.

Benjamin & Gassaway Perry adm.rs of Mary Ann Magruder vs Warren Magruder

Be it remembered, that heretofore to wit, on the twentieth day of December in the year of our Lord, one thousand eight hundred and twenty five Benjamin and Gassaway Perry administrators of Mary Ann Magruder by Benjamin S Forrest their attorney, prosecuted and sued forth out of the Court of Appeals here a writ of the State of Maryland Fieri Facias to the Sheriff of Montgomery County directed, in the words and figures following, to wit.

Maryland, Sc.

(Seal) The State of Maryland To the Sheriff of Montgomery County Greeting. Whereas at a County court, begun and held at Rockville in and for Montgomery County on the first Monday of March, in the year of our Lord one thousand eight hundred and nineteen, a certain Mary Ann Magruder by the judgment of the said Court, recovered a certain Warren Magruder late of the County aforesaid, as well the sum of four hundred and thirteen Dollars current money, a certain debt, as the sum of nine hundred Dollars for her damages which she had sustained, as well by reason of the detention of that debt, as five dollars sixteen and two third cents, for her costs and charges by her about her suit in that behalf laid out and expended, whereof the said Warren Magruder is convict.

And whereas at a County Court begun and held at Rockville in and for the County aforesaid, on the first Monday in March, in the year of our Lord one thousand eight hundred and twenty four, it was considered by the said Court that Benjamin Perry and Gassaway Perry administrators of all and singular the goods and chattels, rights and credits which were of the said Mary Ann Magruder (who is since deceased and died intestate) should have execution against the said Warren Magruder, for as well the debt damages, costs and charges aforesaid, as also for the sum of six dollars thirteen and one third cents for their costs and charges which they have sustained, by reason of the delay of

the delay of the execution of the judgment aforesaid — whereof the said Warren Magruder is likewise convict, as by inspecting the record of proceedings of the same court, 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 five, that the said judgment, given in form aforesaid, be in all things affirmed and ratified, and that the said Benjamin Perry and Gassaway Perry administrators as aforesaid, might have execution against the said Warren Magruder, for as well the debt, damages, costs and charges aforesaid, as adjudged unto them, in the said County Court, as also for the sum of ten dollars and twenty 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 appeal by the said Warren Magruder, before the said Court of Appeals for the correcting of errors of and upon the premises whereof the said Warren Magruder is convict, as of record it likewise appeareth. Therefore you are hereby commanded that of the goods and chattels lands and tenements of the said Warren Magruder being in your bailiwick, you cause to be made the debt damages, costs and charges aforesaid, and have you those sums before the court of Appeals, to be held at the City of Annapolis on the second Monday in June next, to render unto the said Benjamin Perry and Gassaway Perry administrators as aforesaid, the debt, damages, costs and charges aforesaid. Hereof fail not at your peril and have you then and there (this writ. Witness the Honourable John Buchanan Bowie, Chief Judge of the Court of Appeals the fifteenth day of December in the year of our Lord one thousand eight hundred and twenty five

Issued the 20th day of December 1825

Th. Harris Clk.

(Forrest)

Which said writ of Fieri Facias was thereon endorsed as follows to wit.

Benjamin & Gassaway Perry adm.rs of Mary Ann Magruder vs Warren Magruder

Fifa

Debt Four hundred and Thirteen Dollars current money. Dmgs Nine hundred Dollars current money. Costs five dollars sixteen and two thirds cents, costs on Scire Fac. six dollars, thirteen and one third cents, Court of Appeals costs ten Dollars and twenty two cents, ad. Seventy six cents. To be released on payment of Four hundred and thirteen dollars, with interest from thirty first of March, eighteen hundred and eighteen, and the above costs, and one hundred Dollars 31st March 1818 paid. Paid forty dollars, December Second Eighteen hundred twenty.

And now at this day, to wit, the said second Monday in June being the twelfth day of the said month, in the year of our Lord, one thousand eight hundred and twenty six, and the return day of the foregoing writ comes into the Court of Appeals here the said Benjamin and Gassaway Perry administrators as aforesaid by their attorney aforesaid and the Sheriff of Montgomery county aforesaid, to whom the said writ was in form aforesaid directed, to wit, Henry Harding gentleman, makes return thereof to the Court here, thus endorsed, to wit: Laid as the schedule annexed and stayed by injunction

The schedule referred to in the said return is as follows to wit

State of Maryland Montgomery County to wit.

An inventory of the goods and chattels, lands and tenements of Warren Magruder, taken by virtue of a writ of Fieri Facias issued out of the Court of Appeals, at the suit of Benjamin & Gassaway Perry adm.rs of Mary Ann Magruder. Witness my hand seal this 30th day of December 1825.

One negro woman named Sally about twenty six years of age of yellowish