December Term 1836

use of John W. Anderson, by Benjamin & Forrest 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 late Sheriff of Montgomery County directed, in the words and figures following to wit

Maryland Sc.

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 in March, in the year of our Lord, one thousand, eight hundred and twenty four, a certain Benjamin Perry, and Gapaway Perry administrators of Mary Ann Magruder, by judgment of the said Court recovered against a certain Warren Magruder, late of said County, as well the sum of four hundred and thirteen dollars current money a certain debt, as the sum of nine hundred dollars for their damages, which they had sustained as well by reason of the detention of that debt as five dollars sixteen and two third cents, for their costs and charges, in that behalf laid out and expended, whereof the said Warren Magruder is convicted, 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 five, that the said judgment, given in form aforesaid, be in all things affirmed and ratified, and that the said Benjamin Perry and Gapaway Perry, 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.

And whereas also on the eleventh day of November in the year of our Lord, one thousand eight hundred and thirty three, you were commanded, that of the goods and chattels, lands and tenements, of the said Warren Magruder being in your bailiwick, you should cause to be made the debt, damages, costs and charges aforesaid, and that you should have those sums, before the said Court of Appeals, to be held at the City of Annapolis on the first Monday in December then next, to render unto the said Benjamin Perry and Gapaway Perry the debt, damages, costs and charges aforesaid: On which said first Monday in December in the year one thousand eight hundred and thirty three, you made return to the said Court of Appeals, that by virtue of the said writ to you directed for that purpose, you had taken part of Magruders Discovery and part of the Resurvey on part of Hensley, and part of Addition to Hensley, and part of Addition to Remains containing 430 acres more or less, of the lands and tenements of the said Warren Magruder in your bailiwick being, to satisfy unto the said Benjamin Perry and Gapaway Perry, the debt, damages, costs and charges aforesaid, in the said writ mentioned, which said lands and tenements remained in your hands unsold for want of buyers; so that the said debt, damages, costs and charges, you could not have, as you were by the said writ commanded. therefore you are hereby commanded, that the said lands and tenements, so as aforesaid taken, you expose to sale, and the money thereupon arising you have 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 Benjamin Perry and Gapaway, the debt, damages, costs and charges aforesaid, and all such costs as have accrued on the said writ of fieri facias, and how you shall execute this writ, you make appear

unto the said Court of Appeals at the place and on the day aforesaid, and have you then and there this writ. Witness the Honorable John Buchanan Esquire, Chief Judge of the said Court of Appeals, the thirteenth day of June in the year of our Lord, one thousand eight hundred and thirty six. Issued the 5th day of September 1836

(Forrest) R. W. Gill Clk.

Which said Writ of Venditioni Exponas was thereon endorsed as follows, to wit

Benjamin & Gapaway Perry adrs. of Mary Ann Magruder use of John W. Anderson vs. Warren Magruder

Debt $413 Current money. Damgs. $900 Current money, Costs $5.16⅔. Court appeal Costs $10.22 Cost of feat on scifa $6.13 ad. Costs $3.54. To be released on payment of $413, with interest from the 31st March 1815 till paid, and the above costs and costs $40 paid 2nd Decr 1820. $100 paid 31st March 1821. Costing ad costs if land sold under this writ $9.20

And now at this day, to wit, the said first Monday in December being the fifth day of the said month in the year of our Lord, one thousand eight hundred and thirty six, and the return day of the foregoing writ, comes into the Court of Appeals here, the said Benjamin & Gapaway Perry administrators as aforesaid, by their attorney aforesaid, and the late Sheriff of Montgomery County aforesaid, to whom the said writ was in form aforesaid directed, to wit, R. R. Waters gentleman, makes return thereof to the Court here, thus endorsed, to wit, Made to the amount of $695.52 costs and Nulla Bona the residue

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

Maryland Sc.

I do hereby certify to the Honorable the Court of Appeals for the Western Shore of the State of Maryland, that by virtue of the within writ to me directed, I did on the seventh day of December, eighteen hundred and thirty six, after due notice being given, expose to sale at public auction, the lands & tenements in the same writ contained, that is to say: Part of Magruders Discovery, part of the resurvey on part of Hensley and part of Addition to Hensley, as allotted to the said Warren Magruder in the partition of the real estate of his deceased father Lemuel Wade Magruder among his children, and therein described by meles and bounds and containing three hundred and thirty acres of land, as will be seen by reference to the judgment records of Montgomery County Court. and also, part of a tract of land called the Remains and the Addition to the Remains containing one hundred acres of land, and described by meles and bounds in a deed from Mordecai Boone to the said Warren Magruder, bearing date on or about the 12th day of Octr 1810 & recorded among the land records of Montgomery County, as by reference thereto will more fully and at large appear, and containing in the whole 430 acres of land, at which sale, the same was struck off to John W. Anderson, at and for the sum of seven hundred and twenty five dollars, he being the highest bidder and purchaser of the said pieces or parcels of land, and that the said John W. Anderson then and there paid the purchase money to the said Sheriff.

I do therefore certify that by virtue of the said writ to me directed, I have caused to be made of the lands and tenements of the said Warren Magruder the sum of $695.52, towards satisfying the debt, damages, costs and charges aforesaid, as specified in said writ which I have ready at the time and place aforesaid, to render unto the said Benjn & Gapaway Perry administrators of Mary Ann Magruder, as within I am commanded

R. R. Waters late Shff

15th Ex.

Test Richard W. Gill Clk