chattels lands and tenements of the said Thomas I Clagett in your bailwick being to satisfy unto the said Robert Hickley and John White the damages costs and charges aforesaid in the said writ mentioned which goods and chattels lands and tenements remained in your hands unsold for the want of buyers so that the damages costs and charges aforesaid you could not have as by the said writ you were commanded therefore you are hereby commanded that the said goods and chattels lands and tenements so as aforesaid taken you expose to sale and the money therefrom arising you have before the said County Court to be held at the Court house in the City of Baltimore on the first day of January next to render unto the said Robert Hickley and John White the damages costs and charges aforesaid and all such costs as have accrued on the writ of "Fieri Facias" aforesaid and how you shall executed this writ that you make known unto the said County Court at the place and on the day aforesaid and have you there and then this writ

Witness the Honorable Stevenson Archer Chief Judge of our said County Court the first day of December in the year of our Lord Eighteen hundred and thirty two Issued the 17th day of December 1832 Asad Israel Clk

At which said first day of January in the year of Our Lord Eighteen hundred and thirty three being the return day of the foregoing writ come into the County Court here the said Robert Hickley and John White by their attorney aforesaid and the Sheriff of Baltimore County aforesaid to whom the said writ was in form directed makes return thereof to the Court here thereon indorsed to wit "made and sold to Robert Hickley for four hundred and five dollars" & Eleventh January Eighteen hundred and thirty three Satisfied plaintiffs to the amount of three hundred and fifty five dollars and twenty three cents Henry Greene Sheriff" And thereupon the said Thomas I Clagett by Reverdy Johnson and John I Donaldson Esquires his attorneys moves the Court here to quash the execution aforesaid and files in Court here the following reasons to wit

Robert Hickley & John White
vs
Thomas I Clagett

Judicials January Term 1833
Defendant moves to quash the Execution
"1st Because the proceedings of the Sheriff were irregular the writ not appearing to be the same by his advertisement one of the plaintiffs being there styled Jacob White and part of the property sold under the "Venditis Exponas" not being advertised under the "fieri facias" and for other irregularities
"2nd Because the defendant having taken the benefit of the Insolvent laws of Maryland a scire facias ought to have issued before any other process could issue in this cause
R Johnson
John I Donaldson for Deft

But because the Court here are not advised what Judgment to give of and upon the premises a day therefore is given to the parties aforesaid before the Court here on the first day of May next to hear Judgment thereon for that the Court here are not yet advised thereof &c At which said first day of May to wit in the year last aforesaid come again into the County Court here the parties aforesaid by their attorneys aforesaid But because the Court here are not yet advised what judgment to give of and upon the premises aforesaid a further day therefore is given to the parties aforesaid before the Court here on the second day of September next to hear judgment thereon for that the Court here are not yet advised thereof At which said second day of September last aforesaid come again into the County Court here the parties aforesaid by their attornies aforesaid But because the Court here are not yet advised what judgment to give of and upon the premises aforesaid a further

day therefore is given to the parties aforesaid before the Court here on the first day of January next to hear Judgment thereon for that the Court here are not yet advised thereof &c And now here at this day the said first day of January term in the year of our Lord one thousand Eight hundred and thirty four come again into the County Court here the parties aforesaid by their attornies aforesaid Whereupon all and singular the allegations relating to the premises aforesaid being by the Court here seen heard and fully understood and mature deliberation thereupon had It is considered by the Court here that the said Robert Hickley and John White take nothing by their writs of Execution aforesaid but that the same be quashed and that the said Thomas I Clagett go thereof without day &c

Memorandum - motion sustained and executions quashed in this case on the sixth day of March Eighteen hundred and thirty four

And thereupon the said Robert Hickley and John White by Charles F Mayer and William I Cole Esquires their attornies pray an appeal from the Judgment aforesaid so as aforesaid rendered to the Court of Appeals for the Western Shore of the State of Maryland and to them it is granted It is thereupon ordered by the Court here that a transcript of the Record and proceedings aforesaid with all things thereunto relating be transmitted to the said Court of Appeals and the same is transmitted accordingly

Test Thos Hall Clk

In Testimony that the aforegoing is a full and true transcript of the Record and proceedings in the cause therein mentioned taken from the Record of proceedings of Baltimore County Court

Seal of Balto Coty Court

I have hereunto subscribed my name and affixed the seal of said Court this fifth day of May in the year of Our Lord one thousand Eight hundred and thirty four
Thos Hall Clk Balto Coty Ct

And now come into the Court of Appeals here as well the said Robert Hickley and John White by Charles F Mayer and William I Cole their attorneys as the said Thomas I Clagett by John I Donaldson and Reverdy Johnson his attorneys and thereupon on motion of the said Thomas I Clagett by his attorneys aforesaid it is ordered by the Court here that the said Robert Hickley and John White assign the errors in the record of proceedings aforesaid or in the giving the Judgment aforesaid so as aforesaid brought before the Court of Appeals here for correcting the errors supposed to be therein or judgment by the Court of Appeals here will be entered against them in default thereof and the said Robert Hickley and John White by their attorneys aforesaid say that in the Record of proceedings aforesaid and also in the giving of judgment aforesaid there is manifest error in this to wit that by the Record aforesaid it appears that the judgment aforesaid in the plea aforesaid given was given for the said Thomas I Clagett against the said Robert Hickley & John White when by the law of the land that judgment ought to have been given for the said Robert Hickley and John White against the said Thomas I Clagett therefore in that there is manifest error and they pray that the judgment aforesaid for the error and others being in the Record of proceedings aforesaid may be reversed annulled and held entirely as void and that they the said Robert Hickley and John White may be restored to all things which they have lost by occasion of the said judgment and that the said Thomas I Clagett may rejoin to the aforesaid errors and therefore it is ordered by the Court of Appeals here that the said Thomas I Clagett join in the errors by the said Robert Hickley and John White above assigned in the Record of proceedings aforesaid or judgment by the Court of Appeals here will be rendered against him in default thereof and the said Thomas