these presents doth grant bargain and sell unto him the said Daniel Sell, his heirs and assigns the said parts of tracts of land so as aforesaid described and taken on the writ of Fieri Facias aforesaid and so aforesaid exposed to sale in virtue of said writ of Venditioni Exponas with the appurtenances thereto belonging. To have and to hold the same parts of tracts of land as aforesaid described with the appurtenances unto the said Daniel Sell, his heirs and assigns to the only proper use and behoof of him the said Daniel Sell, his heirs and assigns forever. In witness whereof the said I Henry Hoppe, sheriff of Carroll County as aforesaid hath hereunto subscribed his name and affixed his seal the day and year first herein before written.

Signed sealed and delivered in the presence of Otho Shipley, Jesse Brown } I. Henry Hoppe, (Seal) Sheriff of Carroll County Md.

State of Maryland Carroll County to wit: Be it remembered and it is hereby certified that on this eighth day of July in the year of our Lord eighteen hundred and forty five before the subscribers two Justices of the peace of the State of Maryland in and for the County aforesaid personally appears I Henry Hoppe sheriff of Carroll County as aforesaid he being known to us to be the person who is named and described as and professing to be a party to the foregoing deed or indenture and doth acknowledge the said deed indenture or instrument of writing to be his act and deed according to the purport true intent and meaning thereof and the act of Assembly in such case made and provided. In testimony whereof we have hereunto subscribed our names on the day and year aforesaid.

Otho Shipley, Jesse Brown.

Afterwards to wit, on the fourth day of April in the year of our Lord one thousand eight hundred and forty six the said Daniel Sell, by his attorneys aforesaid files in said Court here the following deposition to wit:

"Daniel Sell vs. George Oler. | In the Carroll County Court. Rule to shew cause why the seal of Office of the Carroll County Court shall not now be affixed to writ of fifa issued by said clerk of said County on the 8th day of July 1844 Ad. Nelson.

State of Maryland Carroll County to wit: Be it remembered that on the 4th day of April 1846 personally appears Jabez Gore, before me the subscriber a Justice of the peace in and for Carroll County and made oath on the Holy Evangely of Almighty God that he was on the 8th day of July 1844, the acting deputy clerk of the Carroll County Court and did actually issue the fifa bearing date on the 8th day of July 1844 against George Oler and James Oler on the Judgment of Daniel Sell, which fifa is a part of the papers in the above rule to shew cause and that he the said Deputy clerk in issuing said writ of Fifa, omitted by mistake and inadvertence to affix the seal of the said Court to the said writ of Fifa which omission and mistake was not discovered by this affiant until after the sale of the property of said George Oler by the sheriff under and by virtue of said writ of fifa.

Otho Shipley."

And now here at said April Term to wit, the first Monday of April it being the sixth day of the same month in the year of our Lord one thousand eight hundred and forty six, come again into the said County Court here the parties last aforesaid by their attorneys aforesaid, and the said George Oler, by his attorney aforesaid to wit on the second day of the said Term in pursuance of the rule aforesaid files in Court here the following reasons to wit:

"Carroll County Maryland 7th April 1846 - and the said George Oler by Mr. Nelson, his attorney comes into Court here and shows the following causes why the seal of Carroll County Court should not now be affixed to the said Fifa mentioned in the above rule.

1st. Because the said Fifa being the final process upon the Judgment upon which it issued and having been finally executed and returned by the Sheriff and all that was to be or could be done in virtue of said Fifa, having been done and finally disposed of by the sheriff that said writ is spent and is no longer in fieri.

2d. Because there is nothing in the said cause by which said writ of Fifa can be amended.

3d. Because said writ of fifa being void at the time it issued and a sale of the property mentioned in the proceedings having been a void sale because made by the sheriff without authority, no power exists in the Court under the present proceedings to make that void sale valid.

4th. Because the said writ and all the proceedings under it is no longer before the Court.

5th. Because the said writ of Fifa is defective in a most essential part and therefore not amendable said writ having been issued without seal contrary to the requirements of the constitution of the State.

6th. Because an order directing the clerk to affix the seal to said writ of Fifa would not be an amendment, but would in fact be making a writ to opperate retrospectively upon the void proceedings of the sheriff. For the above reasons the said George Oler, prays the Court that the said rule may be discharged and so forth. Ad. Nelson, Atty. for Oler.

Which said objections reasons and causes to the rule aforesaid being by the Court here read heard and fully understood they were by the said Court here overruled and directed that the seal of Carroll County Court should be affixed by the clerk of said County Court to the writ of Fieri Facias aforesaid which is accordingly done. And it is further ordered and adjudged by the said Court here that the rules to show cause aforesaid be and the same are hereby made absolute and that a writ of Habere Facias Possessionem issue in pursuance of the provisions of the act of Assembly in such case made and provided.

And thereupon the said George Oler, by his attorney aforesaid prays an appeal from the Judgment opinion and orders aforesaid of the Court here so as aforesaid rendered and given to the Court of Appeals for the Western Shore of the State of Maryland, and to him it is granted upon condition that the said George Oler, enter into Bond in the sum of one thousand.

Afterwards to wit, on the twenty eighth day of April in the year last aforesaid the said George Oler, by virtue and in pursuance of the provisions of the act of Assembly in such case made and provided files in the office of the clerk of Carroll County Court a certain writing obligatory commonly called an appeal Bond which is in the words and of the tenor following to wit:

"Know all men by these presents that we George Oler, of Carroll County and Frederick Oler of Frederick County in the State of Maryland are held and firmly bound unto Daniel Sell, of Frederick County and State aforesaid in the full and just sum of five hundred