Whereupon all and singular the allegations relating to the premises aforesaid as well of the said John Piles as of the said Reuben B. Clarley being by the Court here seen, heard and fully understood, and mature deliberation thereupon had; it is therefore considered by the Court here that the writ and return aforesaid be quashed.—

And whereas afterwards, to wit, on the eleventh day of April in the year of our Lord one thousand eight hundred and forty four, the said Reuben B. Clarley by his attorney aforesaid prosecuted and sued forth out of Court here the writ of the State of Maryland of Fieri facias to the Sheriff of the County aforesaid directed in the words and of the tenor following to wit:

Montgomery County, to wit:— The State of Maryland, to the Sheriff of Montgomery County Greeting: Whereas at a County Court begun and held at the Court House in Rockville in and for said County on the first Monday of March in the year of our Lord one thousand eight hundred and forty one, (Seal of Montgomery Cty. Ct.) a certain Reuben B. Clarley by the judgment of the said Court, recovered against a certain John Piles late of said County as well the sum of eight hundred and sixty six dollars sixty six and two third cents current money a certain debt and three thousand dollars current money damages as the sum of six dollars eighty three and one third cents for his costs, cost and charged by him about his suit in that behalf laid out and expended, whereof the said John is convict as of record is manifest. Therefore you are hereby commanded, that of the goods and chattels lands and tenements of the said John Piles, being in your bailiwick, you cause to be made the debt, damages, cost and charges aforesaid and have you then and there these sums before the said County Court to be held at Rockville, in and for the County aforesaid, on the second Monday of November next to render unto the said Reuben B. Clarley the debt, damages cost and charges aforesaid — Hereof fail not at your peril, and have you then and there this writ — Witness the Honble. Thomas B. Dorsey Chief Judge of our said Court the 4th day of March 1844 — Issued the 19th day of April 1844. — (Brewer) Brice Selby, Clk —

(Endorsed)

Reuben B. Clarley use of F. S. Poole. vs. John Piles. — Fifa 4 bre

Dt. $866: 66⅔ ct. mo. and $2000 ct. mo. dam. and costs — Tobe rcld. on pay. of debt with interest from 12th April 1836 and costs $6: 83⅓ ad. cost 85 — cost of V. Cdf. $2 — cost of fifa 85 cts. — 1838 Jan. 8th paid $100 — 1838 Feby. 20th paid $200 —

At which said second Monday of November being the eleventh day of the same month in the year of our Lord one thousand eight hundred and forty four, and the day of the return of the writ aforesaid, comes again into Court here the said Reuben B. Clarley by his attorney aforesaid, and the Sheriff of the County aforesaid to whom the said writ was in form aforesaid directed makes return thereof to the Court here thereon thus endorsed to wit:

"Made as pr. return filed. — D. H. Leandler, Shff."—

Montgomery County, Set: I do hereby certify to the Honble. the Judges of Montgomery County Court that by virtue of the within writ of Fieri facias issued from said Court on the 19th day of April 1844, and to me directed, I caused to be levied of the lands and tenements of the said John Piles the following property to wit: All the right, title, claim and interest of the said John Piles in and to a tract of land called the Resurvey on Addition and Troublesome, "a tract called

"Cool Spring Manor," a tract called "Elysian Fields" and a tract called "Mountzion" and a tract called "That it," said interest supposed to contain two hundred and fifty six acres of land, more or less; it being the land heretofore purchased by the said John Piles from a certain Reuben B. Clarley as will be seen by reference to the deed from said Clarley duly executed and recorded in the Clerks office of Montgomery County, as by the schedule herewith returned appears, to render unto the said Reuben B. Clarley in satisfaction of his debt, damages, costs and charges aforesaid. And I do further certify that after having given due and public notice of the time place manner, terms and cause of sale I did on the 26th day of June 1844 agreably to such notice set up and expose to sale at public auction the lands and premises above mentioned at which said sale Frederick S. Poole became the highest bidder and purchaser thereof at and for the sum of twelve hundred and eighty dollars current money, and then and there paid the same to the said Sheriff — I do further 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 John Piles a sufficiency to satisfy unto the said Reuben B. Clarley the debt, damages costs and charges aforesaid, which I have ready at the time and place aforesaid as by the said writ I am commanded. — D. H. Leandler, Shff."—

State of Maryland Montgomery County to wit:

An Inventory of the goods and chattels lands and tenements of John Piles seized and taken by virtue of a writ of fieri facias issued out Montgomery County Court and to the Sheriff of said County directed at the suit of Reuben B. Clarley use of F. S. Poole, as they stand appraised by us the subscribers who were first duly summoned and sworn by I. R. Poole deptd. of D. H. Leandler for that purpose witness our hands and seals this 26th day of June 1844. Property appraised. A tract of land called the Resurvey on Addition and and Troublesome, supposed to contain 129 acres; also a tract of land called Cool Spring Manor, supposed to contain 50 acres. also a tract of land called Elisian Fields containing 23-8 acres. Also a tract of land called Mountzion supposed to contain 19 acres — also one other tract called Mountzion supposed to contain 41-2 acres and part of Mountzion and part of That it, containing 5-2 acres and seventy perces containing in all 256 of land more or less $6: 50 pr. acre.

Henry Kemp. (Seal) John Hilton. (Seal)
Thomas W. Hyde. (Seal) Hatten Brown. (Seal)

F. S. Poole purchaser at $5: 00 pr. acre.—

Thereupon the said John Piles, by Richard J. Bowie, his attorney comes and moves the Court here to set aside the sale made and reported by the Sheriff as aforesaid for the following reasons viz.:

Reuben B. Clarley use of F. S. Poole. — John Piles

The defendant in this case moves the Court to set aside the sale reported by the Sheriff in this case for the following reasons — Because the said lands were not advertised agreeably to law.—

2d — Because the defendant tendered to the Sheriff or his deputy before the sale, the debt and costs due in the above case.—

3d — Because the said fieri facias was irregularly and illegally