that he had levied the same upon the following property to wit. part of a tract of land called Burgess's delight part of a tract called Rickony Thicket and Blank's Fancy containing two hundred and seventy five acres and that the same had not been sold for the want of time. And whereas also afterwards to wit on the twentieth day of January 1826 the said William Holmes sued out of the said county court the writ of the said State of Vendition exponas commanding the said Sheriff to expose to sale the property so taken as aforesaid and the said Sheriff to wit at April Term eighteen hundred and twenty six returned to said court that he had made the debt damages & costs aforesaid by a sale of the Lands in the said schedule contained to a certain Francis Belmear. And whereas also afterwards to wit at April Term eighteen hundred and twenty seven it was considered by said county court that said Francis Belmear should have possession of the lands and tenements aforesaid. Therefore you are hereby commanded that without delay you cause the said Francis Belmear to have possession of the Lands and tenements aforesaid with the appurtenances and in what manner you shall execute this writ make known unto the said county court on the second Monday in October next. Witness the Honorable John Stephen Chief Judge of the first Judicial District the 19th day of April 1827. Issued the 20th day of April 1827.

Aquila Beall clk.

At which said second Monday in October being the eighth day of the same month in the year last aforesaid and the day of the return of the said foregoing writ comes into court here the said Francis Belmear by John Johnson John B Brooke & Nicholas Stonestreet Esquires his attorneys and the Sheriff of the county aforesaid to wit George Semmes gentleman to whom the said writ was in form aforesaid directed comes and makes return thereof to the court here thus endorsed to wit. "possession delivered. George Semmes Shff:" And the said Walter S Clarke comes into court here by Richard Peach, Francis S Key and Alexander C Magruder Esquires his attorneys and the said Walter S Clarke by his said attorneys prays that the writ of Habae facias aforesaid may be quashed, and at the same time files in court here the following reasons to wit.

Francis Belmear agt. Walter S Clarke.	In Prince Georges County court October Term 1827. Motion on the part of Walter S Clarke to quash the writ of execution in the nature of a writ of Habae facias possessionem which has been issued in the above cause.

1. For that the description of the Lands of which possession is directed to be delivered, in the writ, is uncertain and void.
2. Because the writ does not recite (as the act of assembly requires) the proceedings which had been had on the process under which the seizure and sale had been made.
3. Because the said writ doth not state that the defendant had even required to deliver possession of the Lands taken and sold, and such refusal is essential

to the validity of the writ.
4. Because the act of assembly upon which this writ of Habae facias possessionem issued was not in force when the Levy under the fifa was made nor when the writ of Vendition Exponas issued and it would be giving an ex post facto construction to the Law to make it applicable to cases of property already taken in execution.
5. Because the sale was made after the return day of the writ of Vendition Exponas.

Francis S Key. and Richard Peach for Defendant.

Whereupon all and singular the allegations relating to the premises as well of the premises as well of the said Walter S. as the said Francis being by the Court heard seen heard and fully understood and mature deliberation thereupon had. It is considered by the Court here that the said Francis Belmear take nothing by his writ of Habae facias possessionem aforesaid but that the same be quashed and that the said Walter S. go thereof without day &c. And the said Walter S Clarke by his said attorneys pray that the writs of Fieri facias and Vendition Exponas heretofore issued in this cause and the returns thereto be quashed and at the same time filed the following reasons to wit.

William Holmes agt. Walter S Clarke.	In Prince Georges county Court. Judicial April Term 1826. Motion on the part of Walter S Clarke to quash the writ of Vendition exponas and return thereof and the writ of Fieri facias and the return thereof which were sued out and have

been returned in the above cause for the following reasons.
1. For that the description of the Lands in said writs and returns is uncertain and consequently the execution is void.
2. Because the description of the Lands in the return to the Fi Fa which was first sued out in this cause upon which return the V. E. is predicated is uncertain and the writ aforesaid consequently void.

R. Peach for Deft.

Whereupon all and singular the allegations relating to the premises as well of the said Walter S as the said Francis being by the Court here seen heard & fully understood and mature deliberation thereupon had it was considered by the Court as follows. to wit.

Clarke v Belmear	Motion to quash Fifa It is admitted that the sale was made and the purchaser (by the Sheriffs return) has paid the money, the schedule affixes certainty to what possibly may have been uncertain. The Court after solemn argument adjudged the issuing of the Ha. Fa. poss. — The Court cannot now interfere and distrust the judgment given a term before. The right of issuing the writ of possession was contested by Caleb Clarke who claimed under a deed from Walter. I think the Court hands are tied. the judgment is final to every effect. the return is sufficiently certain to the Fifa. I am therefore of the opinion the Habae facias possessionem must issue. Oct. 22d. 1827.

To Judge Key.

J. K Plater.