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that without delay you cause the same Frances Belmear to have possession of the lands and tenements aforesaid, with the appertenances, 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 Frances Belmear by John Johnson John B. Brooke and Nicholas Stonestreet Esquires his attornies 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 attornies and the said Walter S. Clarke by his said attornies prays that the writ of Habere facias aforesaid may be quashed and at the same time files in Court here the following reasons to wit:

Frances Belmear
vs.
Walter S. Clarke -

In Prince George's 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 Habere facias posses. "Long now which has been issued in the above cause -

1st. For that the description of the lands of which possession is directed to be delivered in the writ is uncertain and void -

2d. 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 ?

3d. Because the said writ doth not state that the defendant had ever refused to deliver possession of the lands taken and sold and such refusal is essential to the validity of the writ ?

4th. Because the act of Assembly upon which this writ of Habere facias possessionem issued was not in force, when the levy under which the fifa was made nor when the writ of Venditioni Exponas issued and it would be giving an expost facto construction to the law to make it applicable to cases of property already taken in execution ?

5th Because the sale was made after the return day of the writ of Venditioni Exponas -

Francis S. Key
Richard Peach } for Defendant -

Whereupon all and singular the allegations relating to the premises as well of the said Walter S. as the said Frances 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 Frances Belmear take nothing by his writ of Habere 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 attornies prays that the writs of fieri facias and Venditioni Exponas heretofore issued in this cause and the return thereto be quashed and at the same time, filed the following reasons to wit:

William Holmes
vs.
Walter S. Clarke -

In Prince Georges County Court - Judicials April Term 1826 - Motion on the part of Walter S. Clarke to quash the writ of Venditioni Exponas and return thereof which were sued

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out and have been returned in the above cause for the following reasons -

1st. For that the description of the lands in said writs and returns is uncertain and consequently the execution is void -

2d. Because the description of the lands in the return to the fifa 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 defendant -

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

Clarke
vs.
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 affixed certainly 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 disturb 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 Courts 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 Habere facias possessionem must issue - Oct. 24th 1827

J. R. Slater

To Judge Key -

And whereas afterwards to wit, on the ninth day of November eighteen hundred and twenty seven the said Walter S. Clarke, entered an appeal from the said decission, and at the time of entering said appeal filed in Court here a certain writing obligatory commonly called an appeal bond the securities in which being approved is in form to wit:

"Know all men by these presents, that we Walter S. Clarke Walter Bowie, Richard Peach, and Thomas Magruder all of Prince George's County in the State of Maryland are held and firmly bound unto Frances Belmear of Anne Arundel County in the State of Maryland in the full and just sum of two thousand dollars current money to be paid to the said Frances Belmear, or to his certain attorney his executors administrators or assigns to which payment well and truly to be made and done, we bind ourselves and every of us, our and every of our heirs executors and administrators jointly and severally firmly by these presents, sealed with our seals and dated this eighth day of December in the year of our Lord eighteen hundred and twenty seven - Whereas on a judgment obtained in Prince George's County Court, at April Term in the year of our Lord eighteen hundred and fourteen by a certain William Holmes against the above bound Walter S. Clarke for as well the sum of one hundred and eighty five dollars current money for a certain debt as the sum of three hundred dollars current money for his damages sustained by reason of the detention of that debt as also six dollars and ninety five cents costs, and ten dollars and eighty three cents costs of the Court of Appeals execution of fierifacias was issued to April Term eighteen hundred twenty three and levied but the property was not sold for the want of time Whereupon a writ of Venditioni Exponas was issued to April Term eighteen hundred and twenty six and a sale made under said writ to the above named Frances Belmear - And whereas at April Term of said County Court in the year