

And it is further decreed, that the said Campbell & Ritchie do, *by a good and sufficient deed to be executed and acknowledged according to law, convey to the said complainant Clement Dorsey, in fee simple, the two parcels of land called St. Clair and Recompense, lying and being in Charles County, and sold and conveyed by Henry Anderson to the said Campbell & Ritchie, and subsequently sold to the said Clement Dorsey by the said Campbell & Ritchie. The said conveyance to be made on the payment or bringing in of the sum of \$822.78 with interest from the 1st of December, 1822, as aforesaid. **363**

Upon this decree a *fieri facias* was issued on the 16th of November, 1826, in favor of the defendants for the sum decreed to them against the plaintiff, which was levied on the lands specified in the decree; and they were sold and purchased by the solicitor of the defendants for their use for the sum of \$710. After which on the 19th of January, 1828, the defendants filed their petition, stating these circumstances, and thereupon prayed, that the possession of the lands might be delivered to them.

BLAND, C., 21st January, 1828.—The petition of the defendants having been submitted without argument, the proceedings were read and considered.

It appears that the *fieri facias*, by virtue of which the land was sold, was returnable to March Term, 1827; but was not actually returned until the first day of September Term of that year; and this application to have the possession delivered has not been made until after the end of the term then next following, or December Term, which closed on the 15th of the present month.

The authority of this Court to cause the possession of land, sold under this decree, to be delivered to the purchaser thereof, under certain circumstances, cannot be controverted; and the mode of proceeding in such cases has been well established. *Dore v. Dove*, Dick. 617; *Same Case*, 1 Bro. C. C. 375; *Stribley v. Hawkie*, 3 Atk. 275; *The Commonwealth v. Ragsdale*, 2 Hen. & Mun. 8.(c) But this

(c) *McKOMB v. KANKEY*.—KILTY, C., 20th March, 1807.—The general power of the Court of Chancery to issue an injunction, directing possession to be delivered, is sanctioned by the practice in England and by our Acts of Assembly. The decree for possession and injunction is a process demandable of right as much as an attachment or other execution, and ought not to be refused where the power is considered to exist. An application for possession in such cases is founded on the general powers of the Court, and on the Act of 1785, ch. 72, s. 25, which provides that the Chancellor may cause by injunction the possession of the estate and effects demanded by the bill and petition, and whereof the possession or a sale is decreed to be delivered to the plaintiff or otherwise, according to the terms and import of such decree, and as the nature of the case may require. Under which last part of the clause the injunction may be modified to suit the particular case. In this