

the insolvent petitioner, grantor, or mortgagor in said deed of trust or mortgage, or any other person holding under said debtor, insolvent petitioner, grantor or mortgagor by title subsequent to the date of the judgment, decree, insolvent application, deed of trust or mortgage respectively, shall be in actual possession of the land and tenements sold, and shall fail or refuse to deliver possession of the same to the purchaser thereof, the judge of the Circuit Court of the county in which said lands or tenements may be situate, or if situate in the city of Baltimore, the judge of the Circuit Court or of the Superior Court, shall, on application in writing, to be verified by the affidavit of the purchaser or his attorney, unless good cause to the contrary be shown by the debtor, insolvent petitioner, grantor or mortgagor, his agent or attorney, or other person concerned, within not less than fifteen nor more than thirty days from the filing of such application as aforesaid, issue a writ in the nature of a writ of *habere facias possessionem*, reciting therein the proceedings which may have been had on said process, thereby commanding the said sheriff, constable, coroner, or elisor to deliver possession of the said lands and tenements to the purchaser thereof. And no such judge shall refuse to issue such writ because such purchaser may have entered into an agreement with the person in actual possession of such lands and tenements at the time of such sale, whereby the right of such person to remain in possession for a limited period is secured, if, after the expiration of the period limited by said agreement, such person shall refuse or fail to surrender up possession.

**146.** The said sheriff, coroner, or elisor, shall have all the powers in the execution of said writ that he may have in the execution of any writ of *habere facias possessionem* to him directed.

**147.** If the said sheriff, coroner, or elisor, shall die, resign, or be removed from or disqualified for office, or have his authority otherwise terminated after such sale, and before the writ in the nature of a writ of *habere facias possessionem* shall have been issued and executed, the court shall issue said writ to any succeeding sheriff, coroner, or elisor; and if any such officer to whom said writ is directed or who is charged with, or on whom may devolve the execution of such writ, shall die, resign, be removed from, or disqualified for office, or have his authority otherwise terminated before such writ shall be finally executed and returned, said writ shall be delivered to and executed and returned by any succeeding sheriff, coroner or elisor.

**148.** The provisions of the three last preceding sections shall apply to sales made by constables or sheriffs, upon executions issued by justices of the peace, after such sale is confirmed by the court, and the said writ may be issued by the court to which the proceedings as to such sales shall be returned, as if the execution under which such sales shall have been made had issued from such court on a judgment therein recovered.

Art 75, s 65  
1825, c 103, s 2.  
Powers of  
sheriff, etc, in  
execution of  
writ

Id s 66  
1831, c, 41  
If officer die,  
resign, or re-  
moved, to whom  
writ issued

Id s 67  
1831, c 290, s 5  
Applicable to  
sales made by  
constables or  
sheriffs, upon  
executions  
issued by jus-  
tices of the  
peace.