

Case No. 10,934.

PENN v. KLINE.

{4 Wash. C. C. 64.}¹

Circuit Court, D. Pennsylvania. April Term, 1821.

HABERE FACIAS POSSESSIONEM—RETURN.

The defendant cannot call upon the marshal to return a writ of habere facias possessionem, although the plaintiff may do so.

Rule obtained by defendant on the marshal to return the writ of habere facias possessionem.

Mr. Peters, for the rule.

Mr. Binney, against it.

THE COURT decided that the defendant could not call upon the marshal to return the writ, although the plaintiff might do so. Runn. 434, and the cases there cited. Rule discharged.

¹ [Originally published from the MSS. of Hon. Bushrod Washington, Associate Justice of the Supreme Court of the United States, under the supervision of Richard Peters, Jr., Esq.]

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