

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section eighty-eight of Article 75 of the Code of Public General Laws of Maryland, relating to "Pleadings, Practices and Process," as amended by Chapter six hundred and thirty-five of the Acts of eighteen hundred and ninety, be and the same is hereby repealed and re-enacted so as to read as follows:

Pleadings,  
practices and  
process.

Sec. 88. Whenever any lands or tenements shall be sold by any sheriff, constable, coroner or elisor, by virtue of any process or execution from any court or justice of the peace of this State, or by any trustee under the decree of any court of this State, by any trustee by appointment of an insolvent court, by any trustee under any voluntary deed of trust, by any mortgagee under any power in any mortgage, by any executor or executors or any other person under any power in a will, and the debtor named in such execution or decree, his widows or heirs who are parties to the proceedings in which such execution was issued or such decree passed, the insolvent grantor or mortgagor in said deed of trust or mortgage, or any person holding under said debtor insolvent, grantor or mortgagor by title subsequent to the date of the judgment, decree, insolvent proceedings, deed or trust or mortgage respectively, or any person claiming under the devisor of said will, shall be in actual possession of the lands and tenements sold, and shall fail or refuse to deliver possession of the same to the purchaser thereof, excepting, however, cases of tenancies created in the lifetime of the devisor, which shall be fulfilled as now allowed by law, the judge of the Circuit Court for 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 of Baltimore City 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 party or parties in actual possession, as aforesaid, his or their agents or attorneys, or other persons concerned, within not less than fifteen days nor more than thirty days from the filing of such application, as aforesaid, issue a writ in the nature of a writ of *habre facias possessionem*, reciting therein the proceedings which may have been had in said process, thereby commanding the sheriff of the county, coroner or elisor to deliver possession of the said lands or tenements to the purchaser thereof, and in cases of sales made by virtue of power contained in wills, the judge shall grant such writs, if it appear on such application that the contract of tenancy entered into between the devisor and

Lands or  
tenements  
sold by process  
of court or  
justice of the  
peace, etc.

Issue a writ.