

1904, art. 75, sec. 75. 1888, art. 75, sec. 72. 1860, art. 75, sec. 48.  
1829, ch. 186, sec. 1. 1882, ch. 372.

75. In any action of ejectment against two or more defendants they may sever their defense; but if plats be necessary, there shall be but three sets returned, which shall show the claims and pretensions of all the parties.

See notes to sec. 71.

Ibid. sec. 76. 1888, art. 75, sec. 73. 1860, art. 75, sec. 49.  
1829, ch. 186, sec. 3.

76. Where defendants in ejectment sever in their defense, the court shall apportion the costs in such manner as may seem reasonable and just.

See notes to sec. 71.

Ibid. sec. 77. 1888, art. 75, sec. 74. 1860, art. 75, sec. 50.  
1833, ch. 276, sec. 2.

77. In all cases of a joint holding by two or more persons, they may declare jointly whether they hold as joint tenants, tenants in common or in any other manner.

See notes to sections 71 and 78.

Ibid. sec. 78. 1888, art. 75, sec. 75. 1860, art. 75, sec. 51.  
1833, ch. 276, sec. 3.

78. If, on the trial of an ejectment, title be shown in any of the plaintiffs, it shall be sufficient to authorize him to recover to the extent of such title, though other plaintiffs may be joined who have no interest, or may have parted with their interest.

Since the passage of this and the preceding section, the objection that the plaintiffs could not recover an undivided three-fourths interest in land under a declaration in which they claim the entire tract, can not be maintained. *Matthews v. Turner*, 64 Md. 121.

See notes to sec. 71.

Ibid. sec. 79. 1888, art. 75, sec. 76. 1860, art. 75, sec. 52.  
1852, ch. 177, sec. 2.

79. In all actions at law, where the title to land is in question, it shall not be necessary for any party to any such action to prove that the lands in controversy have been patented; but a patent shall in all cases be presumed in favor of the party showing a title otherwise good; and actual enclosure shall not be necessary to prove possession, but acts of exclusive user and ownership, other than enclosure, may be given in evidence to the jury to prove possession.

This section is constitutional and valid, but being in contravention of the common law, will not be construed very liberally. Proof of possession. What amounts to acts of user and ownership? Possession is a question of law to be determined upon the facts. Evidence. *Thistle v. Frostburg Coal Co.*, 10 Md. 144. And see *Safe Deposit Co. v. Marburg*, 110 Md. 414.

This section so far as it applies to trespass, *q. c. f.*, does not alter the law save to enlarge the evidence to prove adversary possession; it does not diminish the time in which to establish a possessory title. *Ridgely v. Bond*, 17 Md. 23.

The portion of this section dispensing with the necessity of actual enclosure, applied. *Warner v. Hardy*, 6 Md. 539.