

An. Code, 1924, sec. 74. 1912, sec. 70. 1904, sec. 70. 1888, sec. 68. 1888, ch. 271.

**74.** The court in which an action shall be after a new trial has been ordered by the court of appeals, or by that court, shall have power to stay all further proceedings in such action until all or any of the costs adjudged by the court of appeals, or by that court, shall have been paid by the party adjudged to pay the same.

This section does not authorize court to stay suit upon appeal bond. *Kvedera v. Mondravisky*, 149 Md. 378.

This section referred to in construing art. 93, sec. 265. *Greenhawk v. Quimby*, 168 Md. 396.

This section is constitutional and valid. *Knee v. Baltimore, etc., Ry. Co.*, 87 Md. 623. This section vests a discretion in lower court, and its action will not be reviewed on appeal in absence of abuse of such discretion. *Brinsfield v. Howeth*, 110 Md. 525; *Knee v. Baltimore, etc., Ry. Co.*, 87 Md. 624.

An. Code, 1924, sec. 75. 1912, sec. 70A. 1914, ch. 1.

**75.** When it shall appear that any attorney of record of any party to any suit or proceeding at law or in equity is a member of the General Assembly of Maryland, and the said General Assembly of Maryland shall then be in session, such suit or proceeding shall be continued from time to time until said General Assembly of Maryland shall have adjourned, unless such attorney shall upon the call of such suit or proceeding for trial waive the benefit of this Section.

### **Ejectment.**

An. Code, 1924, sec. 76. 1912, sec. 71. 1904, sec. 71. 1888, sec. 69. 1870, ch. 420. 1872, ch. 346, sec. 45, sub-sec. 1. 1888, ch. 547.

**76.** The action of ejectment shall be commenced by filing a declaration in which the real claimant shall be named as plaintiff and the tenant in possession or the party claiming adversely to the plaintiff shall be defendant; it shall be sufficient to state in the declaration that the plaintiff was in possession of the land or premises described in the declaration and that the defendant ejected him therefrom and retains possession thereof and the amount of damages claimed by the plaintiff; a copy of the declaration, with a writ of summons, as in other cases, addressed to the defendant, shall be served on each of the defendants, or if they cannot be found, upon the person or persons in actual possession of the land described in the declaration, and if there be no person in possession of the premises, or if the same be unimproved vacant property, a copy of the declaration and summons shall be conspicuously posted and set up upon the premises and notice of the object of the suit and of the substance of the declaration shall be published as the court shall direct, giving notice to the said defendants to appear to and defend the said action by a day to be named by the court not less than twenty days from the first publication of said notice; to this declaration the defendant or any other person, with leave of the court, may appear and plead not guilty to the action, which plea shall be held a confession of the possession and ejectment, and shall only put in issue the title to the premises and right of possession and the amount of damages claimed by the plaintiff, but any defendant may refuse to appear or file a disclaimer of title to the land or any part thereof, in which case the plaintiff shall recover judgment against the defendant so disclaiming or refusing to defend for the land or so much thereof as shall not be defended, but the costs shall be subject to the discretion of the court, and the trial shall then