

the evidence given in open court, in the same manner, and under the same regulations, as in other jury trials; and after the said jury charged as aforesaid, shall have considered thereof, they shall forthwith, return their inquisition, under their hands and seals, and the court shall order such judgment to be extended, in accordance with the terms of such finding of the jury.

In force from February 22, 1864.

1864, c. 283 repeals section 64 and substitute the following:

64. 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 the trustee of any insolvent petitioner, by any trustee under any voluntary deed of trust, or by any mortgagee under a mortgage with power to sell, and the debtor named in such execution or decree, 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

1864, c. 283.
Writ of habere,
when to be
issued and how
obtained.