

1128 PLEADINGS, PRACTICE AND PROCESS AT LAW. [ART. 75.]

the deposition of such witness on interrogatories, before some justice of the peace where the witness resides.

P. G. L., (1860,) art 75, sec. 43. 1787, ch. 9, sec. 9.

65. On a special verdict, or case stated, the court shall not continue any case on a *curia advisari vult* longer than two terms.

Ibid sec. 44. 1787, ch. 9, sec. 4.

66. If plots returned in any cause are defective, and cannot be amended at the bar, or if plots are not returned from the neglect of the surveyor, his sickness, or other accident, and the court shall think a continuance necessary for a fair trial of the cause, the same may be continued for such reasonable time as the court may determine.

Clagett v. Easterday, 42 Md. 617.

Ibid sec 45. 1787, ch. 9, sec. 2.

67. In all cases where a continuance is granted the party applying for the same shall pay the costs of the term, unless the court shall otherwise direct.

1888, ch. 271.

68. 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.

Ejectment.

P. G. L., (1860,) art. 75, sec. 46. 1870, ch. 420. 1872, ch. 346. 1888, ch. 547.

69. 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