

as part of the costs in such action, and the judgment rendered shall be the same as if the action had been originally commenced between the persons who are the parties to such action; provided, that] No defendant who is made a new party to [such] *an action in place of a decedent* shall be burdened with debts, damages or costs further than property or assets have descended or come to his hands from the deceased.

99. [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 widow 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 of trust of mortgage respectively, or any person claiming under the deviser 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 deviser, 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 *habere 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 deviser and tenant in possession has expired, and in cases where the purchaser has entered into an agreement with the person in actual possession of such lands and tenements at the time of such sale to permit such person to remain in possession for a limited period, the judge shall grant the said writ if it appears in said application that the period limited by such agreement between the purchaser and the person in possession has expired, and should the] *If a party [or parties so] evicted by writ of [habere as aforesaid] possession re-enters upon said property, or any part of the same, without the consent of the purchaser, he [or they] shall be deemed guilty of a misdemeanor, and upon conviction thereof either before a justice of the peace or trial magistrate or in a People's Court or in the circuit court for any county for the State, or the criminal court of Baltimore City, he shall be fined not more than one hundred*