

held a confession of the possession and ejection, 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 proceed against the party making defence, under the rules and practice of the court, as the same existed prior to the year eighteen hundred and seventy, except so far as the same may be changed by this Act; and the plaintiff shall also recover as damages in this action the *mesne* profits and damages sustained by him, and caused by the ejection and detention of the premises, up to the time of the determination of the case.

Defendant may refuse to appear.

Plaintiff to recover.

SEC. 2. That in all cases between landlord and tenant, as often as it shall happen that one-half year's rent shall be in arrear, and the landlord or lessor to whom the same is due hath right by law to re-enter for the non-payment thereof, such landlord or lessor shall and may, without any formal demand or re-entry, serve a copy of a declaration in ejection for the recovery of the demised premises; or in case the same cannot be legally served, or no tenant be in actual possession of the premises, then to affix the same upon the door of any demised message, or in case such action of ejection shall not be for the recovery of any message, then upon some notorious place of the lands, tenements, or hereditaments comprised in such declaration in ejection; and such affixings shall be deemed legal service thereof, which service or affixing such declaration in ejection shall stand in the place and stead of a demand and re-entry; and in case of judgment against the defendant for non-appearance, if it shall be made to appear to the court where said suit is *defending*, by affidavit, or be proved upon the trial in case the defendant appears, that half a year's rent was due before the said declaration was served, and no sufficient distress was to be found on the demised premises counter-

Cases betw'n landlord and tenant.

Serve a copy of declaration.