

should not be forthwith made to such lessor, his or her heirs, executors, administrators or assigns.

Failure to appear.

SEC. 3. Upon the failure of either of the parties to appear before him on the day in such summons mentioned, the said justice shall continue the case to a day not less than six nor more than ten days after said day so first named, and notify the parties of such continuance.

Neglect to appear.

SEC. 4. If upon hearing the said parties, or in case the tenant or person in possession shall neglect to appear after the summons and continuance, as aforesaid, proof thereof being made, it shall appear to the justice and be by him so found that the said lessor had been in possession of the said premises so leased or demised that the said lease or estate is fully ended and expired, that due notice to quit, as aforesaid, had been given to the said tenant or person in possession, and that he or she had refused so to do, the justice shall thereupon give judgment for the restitution of the possession of said premises, and shall forthwith issue his warrant to the sheriff commanding him forthwith to deliver to the lessor, his or her heirs, executors, administrators or assigns, possession thereof in as full and ample manner as the lessor was possessed of the same at the time when the leasing or letting was made, and shall give judgment for costs against the tenant or person in possession so holding over. Any tenant who shall feel himself or herself aggrieved by such judgment of said justice, shall have the right of

Right of appeal.

appeal therefrom to the Circuit Court of the county or City Court of Baltimore city, upon giving notice of his or her desire so to appeal within ten days from the rendition of said judgment; and if said defendant shall file with said justice, to be by him transmitted with the papers in said case to said court, a good and sufficient bond with one or more securities, conditioned that he or she will prosecute said appeal and well and truly pay all rent in arrear, and all rent which shall accrue pending the determination of said appeal, then the tenant or person in possession shall retain possession of the said premises until the termination of said appeal, and in case the judgment of the

Prosecute appeal.