

An. Code, sec. 4A. 1912, ch. 534.

5. The Appellate Court, being then in session, shall, upon the application of either party, set a day for the hearing of said appeal, not less than five days nor more than fifteen days after such application; and notice of such order for hearing shall be served on the opposite party or his counsel at least five days before such hearing.

An. Code, sec. 5. 1904, sec. 5. 1888, sec. 5. 1882, ch. 355.

6. If the tenant or person in possession shall allege that the title to the premises so leased or demised is disputed and claimed by some person whom he shall name, by virtue of a right or title accruing or happening since the commencement of the said lease or letting, by descent or deed from or by devise under the last will or testament of the lessor, and if thereupon the person so claiming shall forthwith appear, or upon a summons to be immediately issued by said justice and made returnable within six days next following, shall appear before said justice and shall, on oath to be administered by him, declare that he verily believes that he is entitled in manner aforesaid to the said premises so leased or demised and shall, with two sufficient securities, enter into bond to the plaintiff, his heirs or assigns in such sum as the said justice shall think is a proper and reasonable security to said plaintiff or parties in interest, to prosecute with effect his claim at the next term of the circuit court for the county, or the next term of the Baltimore city court, as the case may be, then the said justice shall forbear to give judgment for restitution and costs; provided, that if the said claim shall not be prosecuted as aforesaid, the said justice shall proceed to give judgment for restitution and costs and issue his warrant within ten days after the end of said term of court.

Since this section provides method by which justices may be ousted of jurisdiction in cases involving title to real estate, which method was not and could not have been followed, such jurisdiction was upheld; appeal dismissed. *Christopher v. Sisk*, 133 Md. 51.

The claimant must assert his title before the magistrate, and in the manner above prescribed. *Clark v. Vannort*, 78 Md. 221.

Unless the title accrued since the lease, this section has no application. Where parties are infants, they cannot give a bond, and hence cannot avail themselves of this section. *Mousley v. Wilson*, 1 Md. Ch. 390.

Fact that prior to expiration of A's term, landlord has leased premises to B, such lease to begin upon expiration of A's term, cannot be availed of as defense under this section. *Gelston v. Sigmund*, 27 Md. 352.

Cited but not construed in *Roth v. State*, 89 Md. 527.

See art. 52, secs. 7 and 8.

An. Code, sec. 6. 1904, sec. 6. 1888, sec. 6. 1874, ch. 414. 1882, ch. 355. 1886, ch. 470.

7. The provisions of the preceding sections shall apply to all cases of tenancies from year to year, tenancies by the month and by the week; provided, that in cases of tenancies from year to year in the counties, a notice in writing shall be given six months before the expiration of the current year of the tenancy; and in monthly or weekly tenancies, a notice in writing of one month or one week, as the case may be, shall be so given; and the same proceedings shall apply, so far as may be, to cases of forcible entry and detainer; and the benefit of all such proceedings shall enure to