

tenant or to the person actually in possession of the premises to remove from the same at the end of said term, and if the said tenant or person in actual possession shall refuse to comply therewith the lessor, his heirs, executors, administrators or assigns may make complaint thereof in writing to any justice of the peace of the county or city wherein such real estate is situate.

As to ejectment in cases between landlord and tenant, see art. 75, sec. 78.

Secs. 1-3 referred to in construing art. 66, secs. 20-21. *Smith v. Pritchett*, 168 Md. 351.

If a justice of the peace has jurisdiction over proceedings for restitution of leased property, circuit court has jurisdiction on appeal and no appeal lies to court of appeals. Who signs notice to quit where property has been sold; evidence of signature. Sufficiency of complaint. *Walker v. Kirwan*, 137 Md. 140. And see *Christopher v. Sisk*, 133 Md. 51.

On appeal to court of appeals from action of circuit court on appeal from a justice of the peace in a case instituted under this section, the only question open for determination is whether circuit court had jurisdiction; appeal dismissed. *Matthews v. Whiteford*, 119 Md. 123.

Complaint may be signed by counsel. Sufficiency of notice to quit; it may be signed by landlord's agent; ratification by landlord. *Benton v. Stokes*, 109 Md. 120. See also *Cook v. Creswell*, 44 Md. 596.

Notice to quit addressed to husband instead of wife; sufficiency of service of notice. *Cook v. Creswell*, 44 Md. 596.

What the complaint must state. *Burrell v. Lamm*, 67 Md. 582.

As to the action of ejection between landlord and tenant, see art. 75, sec. 78.

As to the right of entry and action by a purchaser of property where rent is in arrears at the time of such purchase, see art. 16, sec. 245.

As to procedure upon the allowance of a *certiorari* for removal of proceedings between landlord and tenant before a justice of the peace, see art. 75, sec. 61.

See sec. 7.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1809, ch. 355.

2. The said justice shall forthwith issue his summons to the tenant or person in possession that he be and appear on a day in said summons mentioned before said justice to show cause (if any he have) why restitution of the possession of the said estate so demised should not be forthwith made to such lessor, his heirs, executors, administrators or assigns.

On the landlord's appeal, the appellate court has no jurisdiction unless the tenant is summoned. *Mears v. Remare*, 33 Md. 246.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1882, ch. 355.

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.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. 1882, ch. 355. 1886, ch. 470. 1890, ch. 626.

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 said tenant or person in possession and that he 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 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