

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. 8 and 9.

An. Code, 1924, sec. 7. 1912, sec. 6. 1904, sec. 6. 1888, sec. 6. 1874, ch. 414. 1882, ch. 355. 1886, ch. 470. 1927, ch. 560.

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 the heirs, executors, administrators, or assigns of the owner of such estate as the case may be. In case of removal of such proceedings under a writ of *certiorari*, a sufficient record thereof shall be the original papers with a copy of the judgment and entries by the justice under his hand and seal. This section, so far as the same relates to notices, shall not apply to Baltimore City. Nothing contained in the laws relating to landlord and tenant contracts shall be construed as preventing the parties to any such contract, by agreement in writing, from substituting a longer or shorter notice to quit than heretofore required or to waive all such notice, provided the property to which such contract pertains is located in any special taxing area, or incorporated town of Montgomery County.

Forcible entry and detainer; no notice to quit necessary; writ of *certiorari*. *Roth v. State*, 89 Md. 528. *Clark v. Vannort*, 78 Md. 221. See also *Rawlings v. Rawlings*, 3 H. & McH. 438.

As to juries in cases of forcible entry and detainer, see art. 51, sec. 21.

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

See notes to sec. 1.