

EJECTMENT.

1872, c. 346
Declaration in
ejectment
24 Md 492,
41 Md 81

Copy, with
written notice,
to be served on
defendants

Effect of pleas
of not guilty

Refusal to
appear or dis-
claimer of title.

Rules and prac-
tice in trial

Mesne profits.

Id s 2
Landlord and
tenant

Where copy of
declaration can-
not be legally
served, or ten-
ant not in
actual posses-
sion.

Service, or affix-
ing of declara-
tion, to stand
instead of de-
mand and re-
entry.

Judgment for
non-appear-
ance

Affidavit

13. The action of ejectment shall be commenced by filing a declaration in which the real claimant shall be named as plaintiff and the tenant in possession, or the party claiming adversely to the plaintiff, shall be defendant; it shall be sufficient to state in the declaration that the plaintiff was in possession of the land or premises described in the declaration, and that the defendant ejected him therefrom, and retains possession thereof, and the amount of damages claimed by the plaintiff; a copy of the declaration, with a written notice of the suit, addressed to the defendant, shall be served on each of the defendants, or the land, if no person be in actual possession; to this declaration the defendant, or any other person, with the leave of the court, may appear and plead not guilty to the action, which plea shall be held a confession of the possession and ejectment, 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 hereby, and the plaintiff shall also recover as damages in this action the *mesne* profits and damages sustained by him, and caused by the ejectment and detention of the premises, up to the time of the determination of the case.

14. 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 ejectment 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 messuage, or in case such action of ejectment shall not be for the recovery of any messuage, then upon some notorious place of the lands, tenements, or hereditaments, comprised in such declaration in ejectment, and such affixing shall be deemed legal service thereof; which service or affixing such declaration in ejectment 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 depending, 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 that no sufficient distress was to be found on the demised