

Art 53, s 3,
1793, c 43
Summons to be
issued to tenant
in possession

3. The said justices shall also at the same time issue their summons to the tenant in possession, to be served by the said sheriff, that he be and appear on the day, and at the same place in the said warrant mentioned, to show cause (if any he has), why restitution of the possession of the said lands, tenements or messuages so demised, let or leased, should not be forthwith made to such lessor, his heirs, executors, administrators or assigns.

Id s 4
1793, c 43.
Further
proceedings

4. If, upon hearing the said parties, or in case the tenant in possession shall neglect to appear, after being summoned as aforesaid, proof thereof being made, it shall appear in testimony to the said jury, and be so on their oath by them found, that the said lessor had been in possession of the lands, tenements, and messuages as aforesaid; and that he demised, let or leased them as aforesaid; 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 in possession, and that he refused so to do, the justices shall thereupon award restitution of the possession of the said lands, tenements, and messuages, and shall forthwith issue their warrant under their hands and seals 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 lease was made and executed, and shall give judgment for costs against the tenant so holding over; and if required by the lessor, his heirs, executors, administrators, or assigns, shall forthwith issue execution against the said tenant for the same.

Id s 5
1793, c 43
How proceed-
ings arrested
on claim of
title
27 Md 334, 345,
526.

5. If the tenant in possession shall allege that the title to the said lands, tenements, and messuages, is disputed and claimed by some other person whom he shall name, by virtue of a right or title, accruing or happening since the commencement of the said lease, by descent, deed, or under the last will and testament of the lessor, and if, thereupon, the person so claiming shall forthwith appear, or upon a summons to be immediately issued by said justices, and returnable in six days next following, shall appear before said justices, and shall, on oath to be administered by them, declare that he verily believes that he is entitled in manner aforesaid to the lands, tenements, and messuages in question; and shall, with two sufficient securities, enter into bond to the lessor, his heirs or assigns, in such sum as the said justices shall think proper, not less than eight hundred dollars, to prosecute his claim at the next Circuit Court for the county, then the said justices shall forbear to award restitution, and cease to give judgment for costs; *provided*, that if the said claim shall not be prosecuted as aforesaid, the said justices shall proceed to award restitution, and issue their warrant, give judgment, and issue execution for costs as aforesaid, within ten days after the end of said court.

1874, c 414
To what tenan-
cies preceding
sections to
apply

6. The provisions of the preceding sections of this article, subtitle Landlord and Tenant, shall apply to all cases of tenancies from year to year; *provided*, a notice of six months in writing shall be