

premises, or if the same be unimproved vacant property, a copy of the declaration and summons shall be conspicuously posted and set up upon the premises and notice of the object of the suit and of the substance of the declaration shall be published as the court shall direct, giving notice to the said defendants to appear to and defend the said action by a day to be named by the court not less than twenty days from the first publication of said notice; to this declaration the defendant or any other person, with leave of the court, may appear and plead not guilty to the action, which plea shall be held a confession of the possession and ejection, 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 the defense 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 are changed by this article, and the plaintiff shall also recover as damages in this action the *mesne* profits and damages sustained by him and caused by the ejection and detention of the premises up to the time of the determination of the case.

Mitchell v. Mitchell, 21 Md. 585. N. C. R. R. Co v. Canton Co., 24 Md. 492. Tongue v. Nutwell, 31 Md. 302. Mears v. Remare, 33 Md. 251. Gladfelter v. Walker, 40 Md. 11. Banks v. Haskie, 45 Md. 207. Mackenzie v. Renshaw, 55 Md. 298. Hecht v. Colquhoun, 57 Md. 563. Johnson v. Hines, 61 Md. 132. Wallis v. Wilkinson, 73 Md. 128. Textor v. Shipley, 77 Md. 473. Paisley v. Holzshu, 83 Md. 330. Brooke v. Gregg, 89 Md. 236.

1900, ch. 559, sec. 69 A.

**72.** An outstanding mortgage shall not prevent the real owner as mortgagor of said property from maintaining an action of ejection against any person or persons other than the mortgagee, or his, her or their assigns.

1888, art. 75, sec 70. 1872, ch. 346, sec. 2.

**73.** 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,