

to the defendant, shall be served on each of the defendants, or if they cannot be found, upon the person or persons in actual possession of the land described in the declaration, and if there be no person in possession of the 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 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 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.

May appear.

Trial—how  
proceeded  
with.

Additional  
section.

SEC. 2. *And be it enacted*, That the following additional sections, to be known as fifty-eight A, fifty-eight B and fifty-eight C, sub-title "Equitable Defences," and fifty-eight D, sub-title "Replevins," be added to article seventy-five of the Code of Public General Laws, title "Pleading, Practice and Process."

58A. It shall be lawful for the defendant in any action at law (including plaintiff in replevin