which duty was greatly neglected *and exemplifications when required **236** commonly made out, not of records technically, but from the docket entries, minutes of the Court, &c.; and it has been the practice of the Courts of this State to decide an issue on the plea of *nul tiel record* of the same Court, not by inspection of a record actually made up and produced, but on inspection of the docket entries, minutes of the Court proceedings, original papers, &c., on file in the cause, the judgment or decree in which is put in issue; treating them as the record of the Court, which practice we are not
papers, &c., on file in the cause, the judgment or decree in which is put in
disposed to disturb, &c.; and see Code, Art. 18, sec. 20,[4] directing the clerks to make out records, when required, of judgments not necessary to be recorded in the same way. And the Court further said, that the record of such judgments, &c., directed by the Act, is not to give them validity, but for security, and to furnish ready and convenient means of evidence to other Courts. In several cases it has been said that it has always been the habit of the clerks to take minutes and docket entries of the Court's proceedings, and subsequently *to enter them at length, in technical language, according to established forms,* for the dispatch of business, and to relieve these officers from the inconvenient, if not impracticable, labour of making correct full records of proceedings as they transpired; in legal contemplation they are made under the eye of the Court and by its authority, and when not properly entered or extended may be corrected; see Weighorst v. State, 7 Md. 442; Montgomery v. Murphy, 19 Md. 576. The docket entries themselves, except in special cases provided for by law, and not necessary to be particularized here, have never therefore been considered conclusive, nor as constituting anything more than a part of the record, even in the same Court, and by themselves of little efficacy. And so in Mackall v. Farmers' Bank, 12 G. & J. 176, it was held, that the docket entries of an insolvent's discharge were not without all the proceedings in the case equivalent to a record of such proceedings, and in the same case a docket entry of a suggestion of the defendant's discharge under the insolvent laws was considered a mere entry, and no part of nor affecting the judgment entered in the case. And in other cases it has been held, that the clerks are to take care not to amplify the entries that they make into a change of the verdict or judgment actually rendered, otherwise it will be erroneous, see Watkins v. State, 14 Md. 412; Graff v. Merchants & Miners' Transportation Company, 18 Md. 364; Ford v. State, 12 Md. 514.[5] Therefore in Montgomery v. Murphy, 19 Md. 576, the Court said they could not sanction the extension of the habit spoken of above to a case, where the clerk had made a single entry of "judgment," and then *out of Court* fixed the liability of the party from recollection, and the judgment was accordingly stricken out, and see Prout v. Berry, 12 G. & J. 285; State v. Jones, 8 Md. 88; Mayor & C. C. of Balto. v. Commissioners of Balto Co. 19 Md. 554. In

[4] Code 1911, Art. 17, sec. 25.

[5] See Waters v. Engle, 53 Md. 179. But the mere fact that the docket entries were not made in the court room but in the clerk's office by the deputy to whom that duty was specially assigned by the clerk in conducting the business of the office does not invalidate the act. Johns v. Fritchey, 39 Md. 258. Cf. Maguire v. State, 47 Md. 498.