

1904, art. 26, sec. 6. 1888, art. 26, sec. 6. 1860, art. 29, sec. 6. 1796, ch. 43, sec. 20. 1801, ch. 74, sec. 17. 1858, ch. 363. 1890, ch. 411.

6. The clerk of any court in this State may during the recess of said court enter a judgment by confession with the assent of the parties or attorneys in writing, which shall be filed with the titling, narr., cause of action and other papers in the case in which said judgment is entered; and a judgment so entered shall from the date of the entry of the same by the clerk have the same effect as if entered during the session of the court.

This section is the outgrowth of a tendency to simplify pleading and practice. The law as it stood prior to 1890, and the act of 1890, ch. 411, discussed. The parties assenting to the confession of judgment, impliedly consent to the entry of the judgment. The authority of the clerk to enter the judgment is derived not from the parties, but from the statute. This section being in derogation of the common law, must be strictly construed, but not so as to make it inoperative. *Tyrrell v. Hilton*, 92 Md. 186.

This section is to be construed in connection with section 39. It provides a method by which a case not on the docket when the court adjourned, may be put on the docket, and judgment entered as if the court was in session. This section is not in conflict with section 39, and does not restrict the interpretation of the latter. *Frostburg v. Tiddy*, 63 Md. 519.

Appointment of Assistant Counsel.

Ibid. sec. 7. 1888, art. 26, sec. 7. 1860, art. 29, sec. 7. 1856, ch. 19, sec. 1. 1886, ch. 46.

7. The circuit courts for the several counties and the criminal court of Baltimore may appoint assistant counsel for the State, to aid in the trial of criminal or other State cases in said courts, whenever in the judgment of the court in which any such case is pending public interest requires it; and the said courts may likewise appoint counsel to defend any person in the trial of any criminal case in said courts whenever in the judgment of the court in which any such case is pending a just regard for the rights of the accused requires it.

This section and section 8, in connection with article 24, section 266 of the public local laws, held to confer authority upon the court not only to assign counsel but to fix the counsel fee not exceeding the maximum mentioned in section 8. *Worcester County v. Melvin*, 89 Md. 40; *Anne Arundel County v. Melvin*, 107 Md. 536.

See art. 10, sec. 20, *et seq.*

Ibid. sec. 8. 1888, art. 26, sec. 8. 1860, art. 29, sec. 8. 1856, ch. 19, sec. 2. 1886, ch. 46.

8. The county commissioners of the several counties and the mayor and city council of Baltimore shall levy and pay for the services rendered by any person appointed by the court to assist in the prosecution or defense of any case; provided, the amount paid for such services in any one case shall not exceed one hundred dollars; and provided, that in no case tried in any court of criminal jurisdiction in the city of Baltimore shall any attorney be entitled to demand or receive the appearance fees for defending in criminal cases fixed by law except when such fees are taxed against and paid by the accused as part of the costs of the case.