

An. Code, sec. 20. 1904, sec. 18. 1888, sec. 17. 1814, ch. 82, sec. 1.

22. The clerks to whom such dockets and papers are delivered shall keep the same as other records and shall deliver transcripts from the dockets or papers so returned to any person applying for the same.

See art. 17, sec. 45.

An. Code, sec. 21. 1904, sec. 19. 1888, sec. 18. 1809, ch. 76, sec. 4. 1814, ch. 82, sec. 1.

23. Any justice of the peace of the same county may issue process of any sort on a copy of another justice's docket made by the clerk, if the docket has been delivered to him, that he might issue if the docket had been kept by himself.

Process and Practice.

An. Code, sec. 22. 1904, sec. 20. 1888, sec. 19. 1818, ch. 106, sec. 2.

24. No justice of the peace shall grant any blank summons or execution to any constable or party; and any justice so granting a blank summons or execution shall, on conviction, be fined not less than one hundred dollars and not exceeding four hundred dollars.

An. Code, sec. 23. 1904, sec. 21. 1888, sec. 20. 1791, ch. 68, sec. 6. 1841, ch. 139.
1852, ch. 76, sec. 3.

25. The process to be issued by justices of the peace in civil cases shall be a summons, wherein shall be stated briefly the purpose for which the party is summoned, and shall be made returnable before the justice issuing the same, or before some other justice to be named therein, on a day to be stated in said summons, not exceeding forty days from the time of issuing the same.

Where there is no summons, justice is without jurisdiction, and his judgment is a nullity. *Fahey v. Mottu*, 67 Md. 253.

An. Code, sec. 24. 1904, sec. 22. 1888, sec. 21. 1852, ch. 76, sec. 3.

26. If the summons shall be returned "summoned" and the defendant shall fail to appear on the return day thereof, then the justice shall fix a day of trial, not less than six nor more than fourteen days from the return day, and on such day proceed to try such case *ex parte*; the defendant to have the right to appear at any time before judgment and make any defense he may have as if he had appeared at the return day of the summons.

That a justice had jurisdiction must affirmatively appear on the face of the proceedings. *Fahey v. Mottu*, 67 Md. 254.

Where defendant has been summoned (in a proper case), justice has jurisdiction which cannot be ousted by subsequent failure to comply with law. *Mottu v. Fahey*, 78 Md. 393.

This section contemplates and requires a trial, and though the trial is *ex parte*, the plaintiff must prove his claim. *Wagner v. Shank*, 59 Md. 321.

This section has no application to attachments. *Weed v. Lewis*, 80 Md. 128. (See sec. 45, *et seq.*)

See sec. 35, and (as to replevin), sec. 56.