

An. Code, sec. 25. 1904, sec. 23. 1888, sec. 22. 1852, ch. 76, sec. 4.

27. Where there are more than one defendant and some shall appear and some who have been summoned shall fail to appear, the justice shall proceed to try the cause as if all had appeared.

An. Code, sec. 26. 1904, sec. 24. 1888, sec. 23. 1791, ch. 68, sec. 8.

28. A justice of the peace shall issue summonses for witnesses at the instance of either party and shall compel the attendance of such witnesses by attachment of contempt.

As to compensation of witnesses before justices of peace, see art. 35, sec. 12.

An. Code, sec. 27. 1904, sec. 25. 1888, sec. 24. 1801, ch. 42, secs. 1, 2.

29. If the witness shall fail to appear on the return day of the summons the justice shall issue an attachment of contempt made returnable before the justice issuing the same who may, at his discretion, fine such defaulting witness in any sum not exceeding three dollars and shall issue execution for such fine and costs; and the same shall be collected and paid to the justice who shall, on or before the first day of January, annually, pay the same to the clerk of the circuit court for the county, or the clerk of the superior court of Baltimore city.

An. Code, sec. 28. 1904, sec. 26. 1888, sec. 25. 1791, ch. 68, sec. 2.

30. If either party on the day of trial shall ask a postponement, the justice shall postpone the trial to another day, not exceeding fourteen days, if the justice shall be satisfied by the oath of the party or otherwise that a postponement is necessary to a fair trial of the case.

A postponement for a longer time than that fixed by this section, cannot be complained of by party at whose instance it was had. *Ewing v. Nickle*, 45 Md. 417.

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.

An. Code, sec. 29. 1904, sec. 27. 1888, sec. 26. 1791, ch. 68, secs. 2, 3.

31. If either party shall fail to appear on the day to which a case is postponed, the justice may proceed to try the case *ex parte*.

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.

For a case which should have been tried in accordance with this section, see *Ewing v. Nickle*, 45 Md. 417.

An. Code, sec. 30. 1904, sec. 28. 1888, sec. 27. 1852, ch. 239, sec. 2.

32. No special pleading shall be required in any action before a justice of the peace.

An. Code, sec. 31. 1904, sec. 29. 1888, sec. 28. 1845, ch. 379, sec. 8. 1920, ch. 726

33. If any justice of the peace shall die or shall cease to act as such from any cause, any justice of the peace in the same county shall have the same power to receive returns of writs or process, to issue any writ or process and to do all other acts in relation thereto as such justice would have