

An. Code, sec. 36. 1904, sec. 34. 1888, sec. 32. 1841, ch. 139. 1843, ch. 362, sec. 2.

38. If the parties appear before the justice on the return day of the summons and the justice enters judgment, either by confession of the party or after hearing and trying the case, such judgment shall be valid although the summons may be made returnable before any or some justice of the peace without naming specifically which justice.

An. Code, sec. 37. 1904, sec. 35. 1888, sec. 33. 1843, ch. 362, sec. 3. 1910, ch. 261 (p. 164). 1912, ch. 852. 1920, ch. 226.

39. Any Justice of the Peace of this State may enter a judgment by confession for the plaintiff or plaintiffs for any amount within his jurisdiction, as is now or may hereafter be prescribed by law, either upon the voluntary appearance and consent of the defendant or defendants, if more than one, before such Justice of the Peace, or upon the written authority signed by the defendant or defendants authorizing the entry of a judgment by confession, and such authority may be contained either in the note or other cause of action, or in a separate writing, provided that no judgment as aforesaid shall be entered unless the plaintiff, his, her or its duly authorized attorney or agent shall first make affidavit as to the correct amount due thereon; provided, that nothing in this section shall in any manner effect any note or agreement for judgment dated or entered into prior to July 1st, 1920.

An. Code, sec. 38. 1904, sec. 36. 1888, sec. 34. 1825, ch. 158.

40. In all cases of debt tried before a justice of the peace he may enter judgment against either plaintiff or defendant for such sum as to him may appear just and right, with such costs as may have accrued in the case; which judgment, if in favor of the defendant, shall be of equal effect as a judgment in favor of the plaintiff and may be enforced in the same manner.

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. 39. 1904, sec. 37. 1888, sec. 35. 1884, ch. 327.

41. The costs attending the issue of warrants of the peace and of the execution thereof and taking of recognizance thereunder shall be charged to and collected from the person at whose instance such warrant is issued; and no justice of the peace or constable shall charge any costs of such proceeding against the county nor collect the same from the county commissioners thereof.

An. Code, sec. 40. 1904, sec. 38. 1888, sec. 36. 1868, ch. 443. 1880, ch. 400.

42. All judgments rendered by justices of the peace within the city of Baltimore or in any of the counties of this State, may be made liens on the real estate or leasehold interest and terms for years of the defendant in land in the city of Baltimore, or in the county where the same have been so rendered, except leases from year to year and leases for terms of not more than five years, not renewable, to the same extent and effect as liens are now created by judgment upon real estate, whenever the plaintiff