

in any such judgment shall file a copy of the judgments under the hand and seal of the justice by whom the same was rendered with the clerk of the superior court of Baltimore city, or with the clerk of the circuit court for the county, as the case may be, where said judgment was rendered, to be by such clerk recorded in a book kept for that purpose, and for which said clerk shall receive twenty-five cents in each case, which sum shall be recovered by the plaintiffs as a part of the costs of the judgment; and if for any cause such copy cannot be had from the justice rendering such judgment, then the clerk, as aforesaid, shall record such judgment from the docket of the justice when produced to him and shall give to the plaintiff a certified copy thereof when so recorded.

Magistrate's judgments duly recorded and on which executions are issued under sec. 42, constitute liens according to their priority upon an equitable interest, rendering it liable to sale. *Hinkle v. Wilson*, 53 Md. 294.

The law was to contrary prior to adoption of this section. *Candler v. Fisher*, 11 Md. 332. See also *Coombs v. Jordan*, 3 Bl. 309.

This section referred to in construing art. 93, sec. 120—see notes thereto. *Newcomer v. Beehler*, 116 Md. 651.

Cited but not construed in *Union Bank v. Shriver*, 68 Md. 436.

As to supplementary proceedings upon judgments rendered by justices of the peace, see art. 75, sec. 152.

As to the issue of the writ of *habere facias possessionem* upon executions issued on magistrate's judgments, see art. 75, sec. 102.

An. Code, sec. 41. 1904, sec. 39. 1888, sec. 37. 1868, ch. 443. 1880, ch. 400. 1890, ch. 402.

43. The said clerk shall record the said judgment forthwith, and shall endorse thereon the time and place of its record and may then deliver the same to the plaintiff, and the clerk shall have said judgments properly indexed; said judgments shall be liens from the date of such recording; the said clerk shall enter any of said judgments satisfied upon the order in writing of the plaintiff or his attorney and shall file such order in his office.

See notes to sec. 42.

An. Code, sec. 42. 1904, sec. 40. 1888, sec. 38. 1868, ch. 443. 1888, ch. 235.

44. No sale of any real or leasehold property under any execution issued by any justice of the peace shall be valid; but when the plaintiff desires execution against such property of the defendant, the clerk of the court where the judgment is recorded shall issue such execution to the sheriff, to be proceeded with by him as in other executions directed to him.

See notes to sec. 42.

Attachments.

An. Code, sec. 43. 1904, sec. 41. 1888, sec. 39. 1849, ch. 269, sec. 1. 1852, ch. 276, sec. 2.

45. Any person making the affidavit and exhibiting the proofs and vouchers necessary to authorize an attachment to be issued from the circuit court against a non-resident or absconding debtor may have an attachment issued by a justice of the peace against such debtor, if the cause of action does not exceed one hundred dollars.

Cited but not construed in *Weed v. Lewis*, 80 Md. 128.

See secs. 6 and 74 and notes. See art. 9, secs. 31, 32 and 43.