

No appeal lies from an order imposing a fine for contempt. *State v. Stone*, 3 H. & McH. 116.

Upon the refusal of a lower court to obey a writ of *habeas corpus* directed to it by a higher court, the latter ordered the justices of the lower court summoned to answer for contempt. *Taylor v. Llewellyn*, 1 H. & McH. 19.

The sheriff may be attached for not returning a writ. *West v. Hughes*, 1 H. & J. 453.

An. Code, sec. 5. 1904, sec. 5. 1888, sec. 5. 1852, ch. 173, sec. 5.

5. In case of the absence of the judges of any court, (except the court of appeals,) the clerk may adjourn the court from day to day; or he may, by written order from the judges, adjourn the court to the next term thereof, or to such other day before the next term as by said order he may be directed.

An. Code, sec. 6. 1904, sec. 6. 1888, sec. 6. 1796, ch. 43, sec. 20. 1801, ch. 74, sec. 17. 1858, ch. 363. 1890, ch. 411. 1920, ch. 50.

6. The clerk of any court in this State may at any time 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 by order of court 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 act of 1890, ch. 411, discussed. The parties assenting to confession of judgment, impliedly consent to entry of 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 sec. 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 sec. 39, and does not restrict the interpretation of the latter. *Frostburg v. Tiddy*, 63 Md. 519.

A judgment entered under this section is like other judgments subject to the control of the court during term at which it was rendered, and no appeal lies from an order striking it out upon a motion made during same term. The effect of a judgment by confession is not substantially different from a judgment entered in a contested case. *Sunderland v. Braun Packing Co.*, 119 Md. 129.

A judgment may be validly entered on a "confession judgment" note by the clerk under this section; it makes no difference that attorneys appearing for defendant are without express authority to do so. A judgment by confession will not be stricken out merely because the only authority for such judgment is contained in the note. When judgment by confession may be stricken out. *International Harvester Co. v. Neuhauser*, 128 Md. 176.

### Appointment of Assistant Counsel.

An. Code, sec. 7. 1904, sec. 7. 1888, 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