

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.

When judgment by confession entered under this section may be stricken out; *laches*. Denton Natl. Bank *v.* Lynch, 155 Md. 335.

The authority of the clerk to enter judgment by confession is derived from the statute and in accordance with the terms of the consent. Webster *v.* People's Loan, etc., Bank, 160 Md. 60.

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. 42. 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. 42, 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 the 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, 1924, sec. 7. 1912, 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 the trial of any criminal case in said courts whenever in the judgment of the court in which any such case is pending a just regard for the rights of the accused requires it.

Appointment of assistant counsel under this section does not give appointee power of state's attorney to enter and be present in room with grand jury while they are investigating a case with view to possible indictment. Coblentz *v.* State, 164 Md. 565.

This section and sec. 8, in connection with art. 24, sec. 266, of the public local laws (1888), held to confer authority upon the court not only to assign counsel but to fix the counsel fee not exceeding the maximum mentioned in sec. 8. Worcester County *v.* Melvin, 89 Md. 40; Anne Arundel County *v.* Melvin, 107 Md. 536; Charles County *v.* Wilmer, 131 Md. 178.

Suit for fee by assignee of counsel appointed under this section. Practice. See notes to art. 4, sec. 7, of the Md. Constitution. Charles County *v.* Wilmer, 131 Md. 177. See art. 10, sec. 33, *et seq.*

An. Code, 1924, sec. 8. 1912, sec. 8. 1904, sec. 8. 1888, sec. 8. 1856, ch. 19, sec. 2. 1886, ch. 46.

8. The county commissioners of the several counties and the mayor and city council of Baltimore shall levy and pay for the services rendered by any person appointed by the court to assist in the prosecution or defense of any case; provided, the amount paid for such services in any one case shall not exceed one hundred dollars; and provided, that in no case tried in any court of criminal jurisdiction in the city of Baltimore shall