

Civil Jurisdiction.

An. Code, 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1888, sec. 5. 1791, ch. 68, sec. 1.

6. Any justice of the peace of the county where the defendant resides may, if the case be within his jurisdiction, try, hear and determine the matter in controversy between the plaintiff and defendant upon full hearing of the allegations and evidence of both parties and shall give judgment according to the law of the land and the equity and right of the matter.

As to the amendment of proceedings before justice of the peace, see art. 75, sec. 39. (See also art. 52, sec. 16.)

An. Code, 1924, sec. 6. 1912, sec. 6. 1904, sec. 6. 1888, sec. 6. 1791, ch. 68. 1809, ch. 76, sec. 1. 1824, ch. 138. 1825, ch. 51. 1834, ch. 296. 1852, ch. 239, sec. 1. 1898, ch. 167. 1900, ch. 302. 1927, ch. 13. 1931, ch. 472. 1936 (Sp. Sess.) ch. 23. 1937, chs. 295 and 473.

7. The civil jurisdiction of Justices of the Peace extends to all cases for the enforcement of contracts and to obtain redress for wrongs where the debt or damages claimed shall not exceed one hundred dollars; to all suits on bonds with penalty exceeding one hundred dollars, where the sum due and claimed does not exceed one hundred dollars; to actions of replevin where the value of the thing in controversy does not exceed one hundred dollars and which value shall be ascertained by appraisers summoned and sworn by the sheriff or other officer to whom the writ of replevin is directed, and to all cases of attachments against non-residents or absconding debtors where the sum claimed does not exceed one hundred dollars, and also to all cases of attachment in any of the cases mentioned in Section 36 of Article 9 where the sum claimed shall not exceed one hundred dollars; provided that nothing herein contained shall be held or construed to affect suits pending on April 5, 1900, nor judgments then existing. Justices of the Peace of Garrett County shall, after June 1, 1931, have civil jurisdiction in all cases hereinbefore mentioned in this section of this Article instituted after June 1, 1931, and involving amounts not exceeding two hundred dollars. Justices of the Peace of Wicomico County shall, after April 8, 1936, have civil jurisdiction in all cases hereinbefore mentioned in this section of this Article instituted after April 8, 1936 and involving amounts not exceeding three hundred dollars. Justices of the Peace of Prince George's County shall, after May 18, 1937 have civil jurisdiction in all cases hereinbefore mentioned in this section of this Article instituted after May 18, 1937, and involving amounts not exceeding two hundred and fifty dollars. Justices of the Peace of Queen Anne's and Somerset Counties shall, after June 1, 1937, have civil jurisdiction in all cases hereinbefore mentioned in this section of this Article instituted after June 1, 1937, and involving amounts not exceeding two hundred dollars.

Where principal and interest the plaintiff is entitled to recover exceeds \$100, a justice of the peace has no jurisdiction. This may not be cured by rendering judgment, contrary to sec. 39, for principal of debt with interest from date of obligation. Relief in equity against judgment rendered by a justice without jurisdiction. *Dunn v. Wilmer*, 131 Md. 499.

The test of the justice's jurisdiction in actions *ex contractu* is amount recovered and not amount claimed; *contra* in actions of tort. *Bushey v. Culler*, 26 Md. 552; *Ott v. Dill*, 7 Md. 254 (construing also the acts out of which this section grew); *Beall v. Black*, 1 Gill, 206; *O'Reilly v. Murdock*, 1 Gill, 38. See also *Reese v. Hawks*, 63 Md. 131; *Rohr v. Anderson*, 51 Md. 217; *Carter v. Tuck*, 3 Gill, 251; *Abbott v. Gatch*, 13 Md. 336.

In action of tort, where amount claimed is \$100; and the verdict on appeal from a justice is for \$100; the jurisdiction is not exceeded. *Herzberg v. Adams*, 39 Md. 312.