

Where in an action *ex contractu*, plaintiff is entitled to interest as a matter of right and total of principal and interest (if recovered), would amount to more than one hundred dollars, a justice has no jurisdiction. *Reese v. Hawks*, 63 Md. 131. See also *Barger v. Collins*, 7 H. & J. 220. *Cf. Harris v. Dorsey*, 1 H. & J. 416.

A justice has no jurisdiction in a suit on a bond with collateral conditions for the discharge of official duty. This section refers only to bonds conditioned for payment of money. *State v. Tabler*, 41 Md. 239.

This section, in connection with sec. 12, confers exclusive jurisdiction upon justices in replevin, where the value of thing in controversy does not exceed \$50. *Deitrich v. Swartz*, 41 Md. 200.

In actions of replevin if there is no appraisalment or a fictitious one in order to give justice apparent jurisdiction (which amounts to same thing), the justice has no jurisdiction. *Darrell v. Briscoe*, 94 Md. 686.

This section referred to in discussing meaning of a "trial by jury," and in deciding that where either party may have a jury trial upon appeal, the constitutional right to such trial is satisfied. *Capital Traction Co. v. Hof*, 174 U. S. 1.

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

See secs. 8, 47, *et seq.*, 55, *et seq.*, and notes thereto.

Cf. art. 26, sec. 41.

Cited in *Quenstedt v. Wilson*, 173 Md. 19.

An. Code, 1924, sec. 7. 1912, sec. 7. 1904, sec. 7. 1888, sec. 7. 1852, ch. 239, sec. 1. 1824, ch. 138, sec. 6. 1834, ch. 296, sec. 1.

8. But no justice of the peace shall have any jurisdiction in actions where the title to land is involved, nor in actions for slander, for breach of promise to marry or to enforce any lien for work done or materials furnished.

In order to defeat jurisdiction of justice of the peace under this section, it must appear from nature of action itself that it was one in which title to land is necessarily and directly in issue; a suit for improper and negligent construction and operation of trains at and near plaintiff's residence is not such a case. *B. & O. R. R. v. Owens*, 130 Md. 679.

Statement of the defendant that title to land is involved is not conclusive, but such fact must appear from nature of action itself. This section referred to in construing sec. 9—see notes thereto. *Whittington v. Hall*, 116 Md. 468.

A suit cannot be brought before justice to recover a deposit on a contract for purchase of leasehold property providing that ground rent was an original rent, and that if it were not so the contract should be void. When title to land is involved. *Legum v. Blank*, 105 Md. 128; *Randle v. Sutton*, 43 Md. 67.

Where suit is for a balance of purchase money of land the justice has jurisdiction, unless it affirmatively appears that contract is still executory and defendant has not accepted a deed. *Cole v. Hynes*, 46 Md. 185.

A suit for rent does not come under this section, the title to land not being "necessarily and directly in issue." This section must be construed in connection with secs. 7 and 8. *Randle v. Sutton*, 43 Md. 88; *Dietrich v. Swartz*, 41 Md. 200; *Legum v. Blank*, 105 Md. 131; *Shippler v. Broom*, 62 Md. 319.

This section does not oust justice's jurisdiction in proceeding for the recovery of demised premises in Baltimore City, where question is whether or not defendant rented them from plaintiff. *Josselson v. Sonneborn*, 110 Md. 549.

Neither a justice nor the city court on appeal, has jurisdiction to determine whether a title has expired; and it makes no difference that it did not appear that matter of jurisdiction was raised before justice or in city court. *Presstman v. Silljacks*, 52 Md. 660.

How the question of jurisdiction should be raised before justice, and also on appeal. Bills of exception are not allowed. *Shippler v. Brown*, 62 Md. 319; *Cole v. Hynes*, 46 Md. 183. *Cf. Presstman v. Silljacks*, 52 Md. 660.

Cited but not construed in *O'Reilly v. Murdock*, 1 Gill, 38.

As to landlord and tenant cases, see art. 53, sec. 6.

An. Code, 1924, sec. 8. 1912, sec. 8. 1904, sec. 8. 1888, sec. 8. 1813, ch. 162, secs. 1, 5. 1824, ch. 138, sec. 6. 1825, ch. 51, sec. 1.

9. If the defendant in an action before a justice of the peace for cutting, destroying or carrying away timber or wood to or from any land in this State or for doing any other injury to such lands shall allege in writing that he claims title to said lands or that he acted under a person claiming title to the same, whom he shall name in such allegation, and shall verify said allegation by oath, the justice shall take no further cognizance of the case.