

Statement of defendant that title to land is involved is not conclusive, but such fact must appear from nature of action itself. Sale of timber, whether cut or standing, is a sale of goods only. *Whittington v. Hall*, 116 Md. 468.

This section held to have no application, and hence defendant was not affected by a failure to file allegation as to claim of title. *Josselson v. Sonneborn*, 110 Md. 549. *Cf. Shippler v. Broom*, 62 Md. 319; *Cole v. Hynes*, 46 Md. 183.

Cited but not construed in *Legum v. Blank*, 105 Md. 128.

See notes to sec. 8.

An. Code, 1924, sec. 9. 1912, sec. 9. 1904, sec. 9. 1888, sec. 9. 1819, ch. 167, sec. 2.  
1892, ch. 619. 1902, ch. 408.

10. The jurisdiction of justices of the peace of the State of Maryland shall extend to all cases wherein executors or administrators are parties, plaintiffs or defendants, except that no administrator or executor shall be sued before a justice of the peace within thirteen months from the date of his letters, unless such executor or administrator shall within six months of the date of such letters dispute or reject any claim filed against his decedent's estate.

See art. 93, sec. 109.

An. Code, 1924, sec. 10. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. 1819, ch. 167, sec. 2.

11. If any administrator shall allege in writing and verify the same by oath that he has no assets in his hands, or that he has reasonable cause to believe the assets will not be sufficient to pay the debts of the decedent, then the justice of the peace shall transmit the proceedings in relation thereto to the next circuit court for the county, or the Baltimore City court, and such court shall hear and decide the case.

See art. 26, sec. 25, *et seq.*

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 11. 1888, sec. 11. 1852, ch. 239, sec. 4.

12. In all cases where the amount claimed or the thing in action exceeds the sum or value of fifty dollars and justices of the peace have jurisdiction, the several circuit courts for the counties shall have concurrent jurisdiction with justices of the peace.

This section, in connection with sec. 7, confers exclusive jurisdiction upon justices in replevin where the value of thing in controversy does not exceed \$50. *Deitrich v. Swartz*, 41 Md. 200; *Randle v. Sutton*, 43 Md. 68. *Cf. Ott v. Dill*, 7 Md. 258. See also *Baltimore, etc., Co. v. Barnes*, 6 H. & J. 61.

As to jurisdiction of circuit courts for counties, see art. 26, sec. 41.

### Criminal Jurisdiction.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1890, ch. 618. 1892, ch. 485.  
1894, ch. 338. 1896, ch. 128, sec. 11A. 1906, ch. 475. 1914, ch. 482.

13.<sup>1</sup> The several Justices of the Peace of the State of Maryland (except in the City of Baltimore, and in Talbot, Harford, Montgomery and Frederick Counties), are hereby invested with, and shall have hereafter jurisdiction to hear, try and determine all cases involving the charge of any offense, crime or misdemeanor, not punishable by confinement in the Penitentiary or involving a felonious intent, which may be committed within their respective Counties; and shall have jurisdiction to hear, try and determine all prosecutions or proceedings for the recovery of any penalty for doing or omitting to do any act within their respective Counties, the doing of which or the omission to do which, is made punishable under the laws of this State by any pecuniary fine or penalty, or by im-

<sup>1</sup> While in the act of 1914, ch. 482, this section is numbered "2," the title and enacting clause show that it was intended to be numbered "12."