

An. Code, 1924, sec. 31. 1912, sec. 29. 1904, sec. 27. 1888, sec. 26. 1791, ch. 68, secs. 2, 3.

33. If either party shall fail to appear on the day to which a case is postponed, the justice may proceed to try the case *ex parte*.

This section contemplates and requires a trial, and though the trial is *ex parte*, the plaintiff must prove his claim. *Wagner v. Shank*, 59 Md. 321.

For a case which should have been tried in accordance with this section, see *Ewing v. Nickle*, 45 Md. 417.

An. Code, 1924, sec. 32. 1912, sec. 30. 1904, sec. 28. 1888, sec. 27. 1852, ch. 239, sec. 2.

34. No special pleading shall be required in any action before a justice of the peace.

This section referred to in construing Art. 10, Secs. 31 and 32. *Rehm v. Coal Co.*, 169 Md. 368.

Cited but not construed in *McNabb v. Haas*, 168 Md. 223.

An. Code, 1924, sec. 33. 1912, sec. 31. 1904, sec. 29. 1888, sec. 28. 1845, ch. 379, sec. 8. 1920, ch. 726.

35. If any justice of the peace shall die or shall cease to act as such from any cause, any justice of the peace in the same county shall have the same power to receive returns of writs or process, to issue any writ or process and to do all other acts in relation thereto as such justice would have had if he were living and acting as a justice of the peace, to the end that no pending suit or action shall abate by reason of the death or disqualification of any justice of the peace, but that any other justice of the same county may, upon the filing with him by either party of a copy of the docket entries of such suit or action taken from the docket of such deceased or otherwise disqualified justice, certified by the Clerk of the Circuit Court, and after notice of not less than ten days to all the other parties to the suit or action, proceed with such suit or action to final determination the same as though such suit or action had been originally brought before him.

An. Code, 1924, sec. 34. 1912, sec. 32. 1904, sec. 30. 1888, sec. 29.

36. If any constable or other officer returns process before another justice by reason of the death or disqualification of the justice before whom the same was returnable, he shall give notice, previous to the return thereof to the plaintiff or his agent and the defendant, of the justice before whom he intends returning the same.

An. Code, 1924, sec. 35. 1912, sec. 33. 1904, sec. 31. 1900, ch. 11. 1904, ch. 89, sec. 29A. 1912, ch. 383.

37. In all actions or proceedings before any justice of the peace in this State, and appeals therefrom the partnership of parties the incorporation of any body corporate and the representative character of any party suing or being sued, and the genuineness of any signature, purporting to be the signature of the defendant upon any paper filed as the cause of action in such actions or proceedings, shall be taken as admitted for the purpose of such action or proceeding, unless the fact of such partnership, incorporation or representative character as the case may be, or that such signature was written by or by the authority of the person whose signature it purports to be, shall be denied in writing under oath by the opposite party before any hearing of such case or proceeding shall be had; provided, however, that in case of a corporation, the affidavit to such denial may be