

made by the president, vice-president, secretary or treasurer thereof, and in case of a partnership by any one of the partners. And whenever such denial under oath is so made, the justice of the peace before whom the case or proceeding is pending shall, at the request of the party against whom such denial is made, postpone or continue the same to such reasonable time as will enable such party to procure the desired proof.

Cited in holding that Court can strike out recorded magistrate's judgment. *Yealdhall v. Maskol* (Judge Dennis, Balto. Superior Ct.), Daily Record, Feb. 14, 1940.

Cited but not construed in *Commercial Credit Corp. v. Schuck*, 151 Md. 373.

For similar section applicable to cases at law, see art. 75, sec. 28, sub-sec. 108.

Judgments.

An. Code, 1924, sec. 36. 1912, sec. 34. 1904, sec. 32. 1888, sec. 30. 1853, ch. 201, sec. 2.

38. Justices of the peace shall enter up judgment in all cases brought or tried before them within three days after a final hearing of the case.

An. Code, 1924, sec. 37. 1912, sec. 35. 1904, sec. 33. 1888, sec. 31. 1809, ch. 153, sec. 5.

39. All judgments for the payment of money entered by a justice of the peace shall be so entered as to carry interest thereon from the date thereof.

See notes to sec. 7.

An. Code, 1924, sec. 38. 1912, sec. 36. 1904, sec. 34. 1888, sec. 32. 1841, ch. 139.
1843, ch. 362, sec. 2.

40. If the parties appear before the justice on the return day of the summons and the justice enters judgment, either by confession of the party or after hearing and trying the case, such judgment shall be valid although the summons may be made returnable before any or some justice of the peace without naming specifically which justice.

An. Code, 1924, sec. 39. 1912, sec. 37. 1904, sec. 35. 1888, sec. 33. 1843, ch. 362, sec. 3.
1910, ch. 261 (p. 164). 1912, ch. 852. 1920, ch. 226.

41. Any Justice of the Peace of this State may enter a judgment by confession for the plaintiff or plaintiffs for any amount within his jurisdiction, as is now or may hereafter be prescribed by law, either upon the voluntary appearance and consent of the defendant or defendants, if more than one, before such Justice of the Peace, or upon the written authority signed by the defendant or defendants authorizing the entry of a judgment by confession, and such authority may be contained either in the note or other cause of action, or in a separate writing, provided that no judgment as aforesaid shall be entered unless the plaintiff, his, her or its duly authorized attorney or agent shall first make affidavit as to the correct amount due thereon; provided, that nothing in this section shall in any manner effect any note or agreement for judgment dated or entered into prior to July 1st, 1920.

An. Code, 1924, sec. 40. 1912, sec. 38. 1904, sec. 36. 1888, sec. 34. 1825, ch. 158.

42. In all cases of debt tried before a justice of the peace he may enter judgment against either plaintiff or defendant for such sum as to him may appear just and right, with such costs as may have accrued in the case; which judgment, if in favor of the defendant, shall be of equal effect as a judgment in favor of the plaintiff and may be enforced in the same manner.

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.