

An. Code, 1924, sec. 41. 1912, sec. 39. 1904, sec. 37. 1888, sec. 35. 1884, ch. 327.

43. The costs attending the issue of warrants of the peace and of the execution thereof and taking of recognizance thereunder shall be charged to and collected from the person at whose instance such warrant is issued; and no justice of the peace or constable shall charge any costs of such proceeding against the county nor collect the same from the county commissioners thereof.

An. Code, 1924, sec. 42. 1912, sec. 40. 1904, sec. 38. 1888, sec. 36. 1868, ch. 443.
1880, ch. 400.

44. All judgments rendered by justices of the peace within the city of Baltimore or in any of the counties of this State, may be made liens on the real estate or leasehold interest and terms for years of the defendant in land in the city of Baltimore, or in the county where the same have been so rendered, except leases from year to year and leases for terms of not more than five years, not renewable, to the same extent and effect as liens are now created by judgment upon real estate, whenever the plaintiff in any such judgment shall file a copy of the judgments under the hand and seal of the justice by whom the same was rendered with the clerk of the superior court of Baltimore City, or with the clerk of the circuit court for the county, as the case may be, where said judgment was rendered, to be by such clerk recorded in a book kept for that purpose, and for which said clerk shall receive twenty-five cents in each case, which sum shall be recovered by the plaintiffs as a part of the costs of the judgment; and if for any cause such copy cannot be had from the justice rendering such judgment, then the clerk, as aforesaid, shall record such judgment from the docket of the justice when produced to him and shall give to the plaintiff a certified copy thereof when so recorded.

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.

Magistrate's judgments duly recorded and on which executions are issued under sec. 44, constitute liens according to their priority upon an equitable interest, rendering it liable to sale. *Hinkle v. Wilson*, 53 Md. 294.

The law was to contrary prior to adoption of this section. *Candler v. Fisher*, 11 Md. 332. See also *Coombs v. Jordan*, 3 Bl. 309.

This section referred to in construing art. 93, sec. 123—see notes thereto. *Newcomer v. Beehler*, 116 Md. 651.

Cited but not construed in *Union Bank v. Shriver*, 68 Md. 436.

As to supplementary proceedings upon judgments rendered by justices of the peace, see art. 75, sec. 152.

As to the issue of the writ of *habere facias possessionem* upon executions issued on magistrate's judgments, see art. 75, sec. 102.

An. Code, 1924, sec. 43. 1912, sec. 41. 1904, sec. 39. 1888, sec. 37. 1868, ch. 443.
1880, ch. 400. 1890, ch. 402.

45. The said clerk shall record the said judgment forthwith, and shall endorse thereon the time and place of its record and may then deliver the same to the plaintiff, and the clerk shall have said judgments properly indexed; said judgments shall be liens from the date of such recording; the said clerk shall enter any of said judgments satisfied upon the order in writing of the plaintiff or his attorney and shall file such order in his office.

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.

See notes to sec. 44.