

shall commit him to jail for his appearance at such court to answer such charge, and shall at once return the recognizance, if there be one, and all papers and proceedings in such case, including a copy of his judgment (in appeal cases) together with the name and residence of the witnesses for the prosecution to the clerk of said court, who shall place such case on the appeal docket of said court and issue subpoenas for the witnesses named by the justice, and the case shall be then tried in said court on the information or warrant. When an appeal shall be taken by the accused after the execution of sentence has begun, by confinement in jail or the Maryland House of Correction, the justice, on sufficient surety being given for the accused's appearance at court as hereinbefore required, shall at once transmit an order reciting this fact to the officer in whose custody he may be, and directing his discharge, and in default of such surety being given, the justice shall send a commitment to the sheriff of the county, commanding him to receive the prisoner and hold him for his appearance at court to answer said charge; and on the presentation of a copy of such commitment by the sheriff to the officer in whose custody the prisoner may be, such officer shall at once deliver the prisoner to the sheriff; and it shall be the duty of the sheriffs of the several counties of this State, upon receipt of such commitment, to forthwith obtain such prisoner, if he be not in his custody.

Where the traverser's counsel says that he will have no investigation before the justice, but will try the case in court, and the traverser is held for court upon his recognizance with sureties, it is not necessary that he should have been previously and expressly informed that he had a right to a jury trial. Where the circuit court has jurisdiction to try a case of this character, no appeal lies. Practice in raising the question of the jurisdiction of a court. Although the warrant under this section is issued by one justice of the peace, the accused may be tried by another. *Green v. State*, 113 Md. 454.

This section was intended to confer additional jurisdiction, and not to include all the criminal jurisdiction of justices. The rights conferred by this section are limited to the jurisdiction conferred by it. *State v. Ward*, 95 Md. 122.

The act of 1878, ch. 415, section 10 (conferring jurisdiction upon magistrates to try vagrants and habitually disorderly persons and commit them to the house of correction), held valid. *State v. Glenn*, 54 Md. 572; *Baum v. Warden of Jail*, 110 Md. 583 (involving also section 632 of the Baltimore city charter).

For cases involving the question of whether the traverser's waiver of a jury trial was his free and voluntary act, see *Baum v. Warden of Jail*, 110 Md. 585; *Danner v. State*, 89 Md. 228. And see *Green v. State*, 113 Md. 457.

For cases holding this section as it stood in the code of 1904, invalid in part, see *Danner v. State*, 89 Md. 222; *Baum v. Warden of Jail*, 110 Md. 584. See art. 5, sec. 96.

1906, ch. 444.

13. If any person against whom a warrant is issued by a justice of the peace of the State of Maryland shall escape, go into, reside or be in any place in the State of Maryland out of the jurisdiction of the justice granting the warrant, either before or after the issuing thereof, any justice for the county or any police justice of the city of Baltimore where such person shall so escape or be, upon proof, on oath, of the