

and made in the discretion of said court, as if said actions, writs and proceedings had originated therein.

As to amendments at law, see art. 75, sec. 39, *et seq.*; in equity, see art. 16, secs. 18 and 19.

An. Code, 1924, sec. 104. 1912, sec. 98. 1904, sec. 98. 1888, sec. 95. 1884, ch. 416.

106. In all cases of amendment of actions and proceedings at law, under the preceding section, the allowance of continuances and of costs shall be in the discretion of the court, as the case may be, so as to accomplish the ends of justice.

As to costs, see also secs. 14, 16, 30 and 71. As to the payment of costs in cases before justices of the peace, see sec. 102.

Appeals in Cases of Contempt.

An. Code, 1924, sec. 105. 1927, ch. 357.

107. Any person who has been adjudged in contempt of Court by any order or judgment, passed to preserve the power or to vindicate the dignity of the Court, shall have the right to take an appeal from such order or judgment to the Court of Appeals. If any such alleged contempt be a direct contempt, alleged to have been committed in the presence of the Court, or so near to the Court as to interrupt its proceedings, then the Court passing such order shall sign a formal order to that effect, and the party aggrieved thereby shall have the right, within five days thereafter, to enter an appeal therefrom to the Court of Appeals. The record on appeal in such case shall consist of such order, of affidavits filed by or on behalf of the party aggrieved, or of affidavits filed by the State's Attorney in support of the action of the Court, together with any testimony that such party may desire to offer in support of such affidavits and a written statement by the judge or judges, passing such order of contempt, of the facts and circumstances under and by reason of which such order was passed. If any such alleged contempt be a constructive contempt, alleged to have been committed not in the presence of the Court, or not so near to the Court as to interrupt its proceedings, then the Court shall issue a citation to the person alleged to be in contempt, requiring such person to show cause why an order adjudging such person in contempt should not be passed within a time named therein. If no cause is shown, within the time so named, such order shall be final; but if such person shall answer and show cause within the time named, then testimony shall be taken and the matter tried by the Court without a jury. Upon appeal to the Court of Appeals, in cases of both direct and constructive contempts, the Court of Appeals shall consider and pass upon the law and the facts and said Court shall make such order as to it may seem proper, including the right to reverse or modify the order appealed from. In all such cases, it shall be the duty of the State's Attorney, either personally or by deputy or assistant, to prosecute such contempts as though the same were criminal cases.

Defenses to contempt proceedings cannot be raised on appeal if not urged in lower court. *Ex parte* General News Bureau, Inc., 162 Md. 648.

Cited in *In Re Lee*, 170 Md. 46.

Letter written to Judge, about a case pending before him, held to be improper and order for fine upheld. *Freedman v. State*, Daily Record, May 19, 1939.