

75. If, upon an appeal being entered in the Orphans' Court, the parties shall mutually agree, and enter their assent in writing, to be filed by the register of wills, that the appeal shall be made to the Circuit Court for the county, or Superior Court of Baltimore City, the Orphans' Court shall direct the transcript of the proceedings to be transmitted to the Circuit Court, or Superior Court of Baltimore City, whose decision shall be final.

Art 5, s 44
1818, c 204, s 2
Appeal by consent to Circuit Court of county or Superior Court of Baltimore City.

76. It shall be the duty of the clerk or register transmitting a record to the Court of Appeals to mark upon the record the amount of the costs taxed against the plaintiff and defendant respectively, to the time of the appeal.

Art 5, s 45
1836, c 289, s 1
Costs on all appeals to be indorsed on record

APPEALS FROM JUSTICES OF THE PEACE.

77. Any party aggrieved thereby may appeal from any judgment of a justice of the peace to the Circuit Court of the county, or Baltimore City Court, at any time within sixty days from the rendition of such judgment; and the court to which such appeal is taken shall hear the case *de novo*, and determine the same, according to law and the equity and right of the matter, and this section shall be construed to include all actions of debt for the collection of fines, penalties, and forfeitures, imposed by any law of the State, and which are made recoverable before a justice of the peace, in which a right of appeal may not be given by the law imposing the same.

1872, c. 182
Within what time appeal allowed from judgment of justice of the peace to Circuit Court of county, or Baltimore City Court
Case to be heard *de novo*
Action for collection of fines, etc
28 Md 488, 33 Md 250, 39 Md. 309, 43 Md 67, 46 Md 181

78. If either party die after the rendition of a judgment by a justice of the peace, his executor or administrator may appeal within sixty days after the rendition of the judgment.

Art 5, s 51
1834, c 105, s 1.
Within what time administrator may appeal.

79. On the party signifying his intention to appeal, it shall be the duty of the justice of the peace to enter the appeal with the date thereof upon his docket, and to transmit the papers in the cause to the clerk of the Circuit Court, or the clerk of the Baltimore City Court.

Art 5, s 52
1852, c 239, s 3.
Justice to enter appeal on docket and transmit papers.

80. All appeals shall be docketed, and summons for the appellee issued by the clerk of the Circuit Court, or Baltimore City Court, immediately upon the filing the papers in his office, and no petition shall be necessary in any case.

Art 5, s 53
1852, c 239, s 3
Appeals to be docketed by clerk of court and summons issued

81. If the summons shall be returned summoned, and the papers shall have been filed ten days previous to the commencement of the then next term of the court, the case shall stand for trial at the first term; but, if the papers are not filed within that time, the case shall not stand for trial until the second term.

Art 5, s 54
1853, c 239, s 3
Cases when to stand for trial

82. If two summonses be returned *non est*, or one summons be returned "served," the court may hear and determine the case *ex parte*.

Art 5, s 55
1852, c 76, s. 3;
1852, c 336
When court may determine case *ex parte*
34 Md 333

83. Before any of the Circuit Courts of this State, or the Baltimore City Court, shall proceed to hear or try cases brought to their respective courts, by appeal from the judgments of justices of the peace, they shall first be satisfied that all costs incurred on the judg-

1867, c 164
Costs below to be paid by appellant before hearing above.
47 Md 328.