

CHAPTER 493.

(Senate Bill 228)

AN ACT to repeal and re-enact with amendments Section 107 of Article 5 of the Annotated Code of Maryland (1939 Edition), title "Appeals and Errors", sub-title "Appeals in Cases of Contempt", providing that, in cases involving a constructive contempt, the matter shall be tried before a judge or judges other than the judge issuing the citation.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 107 of Article 5 of the Annotated Code of Maryland (1939 Edition), title "Appeals and Errors", sub-title "Appeals in Cases of Contempt", be and it is hereby repealed and re-enacted with amendments to read as follows:

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