

CHAPTER 56

(House Bill 99)

AN ACT to repeal and re-enact, with amendments, Sections 98 and 99 of Article 5 of the Annotated Code of Maryland (1951 Edition), title "Appeals and Errors", sub-title "Appeals From Justices of the Peace", generally defining the rights of the parties and powers of the Court in the event one or the other of the parties to appeal from a Justice of the Peace Court does not appear at the time set for trial.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Sections 98 and 99 of Article 5 of the Annotated Code of Maryland (1951 Edition), title "Appeals and Errors", sub-title "Appeals From Justices of the Peace", be and they are hereby repealed and re-enacted, with amendments, to read as follows:*

98. If the summons shall be returned "summoned", the case shall stand for trial *de novo*, without regard to terms of court, at such date as [the parties may agree upon, and where the parties cannot agree,] the court shall fix [the date] for trial thereof [; provided always that the court shall have full control over the assignment of such cases for trial].

99. [If two summonses be returned *non est*, or one summons be returned served, the court may hear and determine the case *ex parte*.] *If the judgment in the Court of the Justice of the Peace was for the plaintiff, and the defendant in that Court is the appellant, and of two summonses are returned non est or one summons is returned served for the appellant and he does not appear to present his defense at the time set for trial, the Court shall have jurisdiction to affirm the judgment of the Justice of the Peace. If the judgment in the Court of the Justice of the Peace was for the defendant and the plaintiff in that Court is the appellant, and if two summonses are returned non est or one summons is returned served for the appellant and he does not appear to prosecute his case at the time set for trial, the Court shall have jurisdiction to reverse the judgment of the Justice of the Peace.* BY AFFIRMING, MISSING OR REVERSING THE JUDGMENT.

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

Strike out indicates matter stricken out of bill.