

38. *How Executed In Case of Death Of Justice.*

*If the justice of the peace rendering any judgment from which an appeal is taken goes out of office, by death or otherwise, before an appeal bond has been executed by the party appealing, such appeal bond may be executed before any other justice in the same county or city, and such bond shall have the same effect as if executed before the justice rendering the judgment from which the appeal is taken.*

~~39. Costs Before Justice To Be Paid Before Trial Of Appeal. This Section Not To Apply To Allegany County Nor Frederick County.~~

*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 judgments and proceeding before the justice aforesaid have been paid by the appellant, or that the appellant has given bond, conditioned for the payment of the same, if he does not prosecute his appeal successfully. This section is not to apply to Allegany county, nor to Frederick county; provided, that in Frederick county the appellant shall have given a sufficient bond as provided by Section 26 of this Article.*

~~40.~~ 39. *Commitment For Non-Payment Of Penalty. Limit Of Imprisonment.*

*Where any judgment of a justice of the peace, imposing any fine or penalty for the violation of any law or ordinance, shall be affirmed upon appeal, the court to which such appeal is taken shall have the power to commit the defendant or appellant in case of non-payment of such fine or penalty and costs; provided, that no person shall be imprisoned under this section for a longer period than thirty days for any one offense.*

~~41.~~ 40. *Amendments In Discretion Of Court.*

*All civil actions and civil proceedings, including the writ, summons, docket entries and the names of the parties, on appeal from a justice of the peace before a circuit court for any county or the Baltimore City Court, may be amended so as to bring said action to trial on its merits in the same manner and to the same extent as now allowed in cases originating in courts of law. Amendments in any of the said courts shall be allowed and made in the discretion of said court as if said actions, writs and proceedings had originated therein.*

~~42.~~ 41. *Continuance And Costs Upon Appeal.*

*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 so as to accomplish the ends of justice.*

42. WHEREVER THE WORDS "COUNTY COMMISSIONERS" APPEAR IN SECTIONS 30 TO 41, INCLUSIVE, OF THIS ARTICLE, THEY SHALL BE TAKEN TO INCLUDE A COUNTY COUNCIL AND THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY, AND WHEREVER THE WORDS "CIRCUIT