

WHEREAS, In order to cure any possible question about the validity of these sections as amended by the Act of 1953, it is desirable to re-enact them in the same form, incorporating therein also an amendment added to one of these sections by Chapter 444 of the Acts of 1955 and incorporating in addition a change in Section 303 (a) of Article 66½ originally proposed by House Bill No. 81 at the 1957 Session of the General Assembly; now, therefore

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 94 of Article 5 of the Annotated Code of Maryland (1956 Supplement), title "Appeals and Errors", sub-title "Appeals From Justices of Peace", and Section 303 of Article 66½ of said Code, title "Motor Vehicles", sub-title "Operation of Vehicles Upon Highways", said sections having been amended by Chapter 676 of the Acts of 1953 and Chapter 444 of the Acts of 1955, be and they are hereby repealed, and that new Section 94 of Article 5 and 303 of Article 66½ be and they are hereby enacted in lieu thereof, to stand in the place of the sections so repealed, and all to read as follows:

*94. (a) Any party aggrieved thereby may appeal from any judgment of a Justice of the Peace of any county or from any judgment of a Trial Magistrate in Baltimore City or from any judgment of a Magistrate of the Traffic Court of Baltimore City, in any civil, criminal or motor vehicle cause to the Circuit Court for the County, or the Baltimore City Court, as the case may be, at any time within thirty (30) days from the date of said judgment if the cause is civil, and within ten (10) days if the cause is criminal or deals with a violation of any motor vehicle law; 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 or by any ordinance of any incorporated city or town 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 same; and this section shall also be construed to include all causes of any kind or nature triable before any Justice of the Peace.*

*(b) In the event an appeal is taken from a conviction imposing a fine or other monetary penalty in a criminal case, the Trial Magistrate shall transmit the fine, costs or other monetary penalty so levied to the Clerk of the Circuit Court to which said appeal is taken. In the event of acquittal or of the levy of a fine (including costs) by the Circuit Court in a sum less than that levied by the Magistrate, the entire fine or the surplus held by the Clerk in excess of the fine levied by the Circuit Court, as the case may be, shall be returned to the defendant. All fines levied by the Circuit Court hereunder shall be paid by the said Clerk to the County Commissioners as provided in this section. In the event of a dismissal of an appeal by the defendant before trial in the Circuit Court, the Clerk shall pay the fine, costs, or other monetary penalty so deposited with him to the County Commissioners as hereinabove provided.*

*(c) In the event an appeal is taken from the conviction for a violation of the Motor Vehicle Laws, the Trial Magistrate shall transmit the fine, costs, or other monetary penalty levied in such case to the Clerk of the Circuit Court to which said appeal is taken. In the event*