

## CHAPTER 271

(Senate Bill 136)

AN ACT to repeal and re-enact, with amendments, Sections 27, 28 and 29 of Article 5 of the Annotated Code of Maryland (1957 Edition, as amended), title "Appeals", sub-title "Appeals to Circuit Courts for Counties and Superior Court of Baltimore City", exempting Montgomery County from the provisions of the law relating generally to Appeals from County Commissioners to the Circuit Court.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 27, 28 and 29 of Article 5 of the Annotated Code of Maryland (1957 Edition, as amended), title "Appeals", sub-title "Appeals to Circuit Courts for Counties and Superior Court of Baltimore City", be and the same are hereby repealed and re-enacted, with amendments, all to read as follows:

27. Right of Appeal; how appeals docketed; costs.

Any party, or any taxpayer not a party to the proceedings, may appeal to the circuit court for the county from any decision or order of the county commissioners. All such appeals shall be docketed in the circuit court against the party or petitioner in whose favor the decision of the county commissioners was made. If upon such an appeal taken by a taxpayer, not a party to the proceedings, the appeal is not sustained the appealing taxpayer shall pay the costs of such appeal unless the circuit shall otherwise direct; *provided, however, that this section shall not apply in Montgomery County.*

28. Manner and time of taking appeal.

An appeal pursuant to Section 27 of this Article shall be taken by filing an order for appeal with the county commissioners within thirty days after the date of the decision or order from which the appeal is taken. Within thirty days thereafter the county commissioners shall transmit a transcript of the proceedings to the court to which such appeal is taken; provided, however, that the circuit court to which such appeal is taken may for cause shown extend the time for transmitting the transcript of the proceedings; *provided further, that this section shall not apply in Montgomery County.*

29. Jury trial; powers of circuit court.

Upon an appeal pursuant to Section 27 of this Article either party shall have a right to a trial by jury and the circuit court shall ratify, reject, alter or amend the proceedings before the county commissioners and in said court so as to bring the events of the case fairly to trial. The circuit court is further authorized to enter such judgment in the case as the county commissioners ought to have entered, including costs, and such judgment shall be final and may be enforced

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.