

CIRCUIT COURT AGAINST THE PARTY OR PETITIONER IN WHOSE FAVOR THE DECISION OF THE COUNTY COMMISSIONERS WAS MADE. IF THE APPEAL IS TAKEN BY A TAXPAYER NOT A PARTY TO THE PROCEEDINGS, AND THE APPEAL IS NOT SUSTAINED, THE APPEALING TAXPAYER SHALL PAY THE COSTS, UNLESS THE COURT SHALL OTHERWISE DIRECT.

(B) IN AN APPEAL PURSUANT TO SUBSECTION (A), EITHER PARTY HAS THE RIGHT TO A JURY TRIAL. THE CIRCUIT COURT SHALL RATIFY, REJECT, ALTER, OR AMEND THE PROCEEDINGS BEFORE THE COUNTY COMMISSIONERS AND IN THE COURT SO AS TO BRING THE EVENTS OF THE CASE FAIRLY TO TRIAL. THE CIRCUIT COURT MAY ENTER THE JUDGMENT IN THE CASE THAT THE COUNTY COMMISSIONERS OUGHT TO HAVE ENTERED, INCLUDING COSTS. THE JUDGMENT IS FINAL AND MAY BE ENFORCED BY DUE PROCESS OF LAW.

REVISOR'S NOTE: The substance of subsection (a) presently appears as Art. 5, §27, and that of subsection (b) as Art. 5, §29. Although the two present sections seem to confer a broad right of appeal, in fact, they apply only in road cases: Urbana Civil Assn. v. Urbana Mobile Village, 260 Md. 458 (1971); Ertler v. North Washington Cemetary, 200 Md. 251 (1952). As pointed out in Urbana, chartered and code counties may provide for review of this type by other means: see e.g., Art. 25A, §5(T).

As a matter of fact, most counties seeking to open roads probably do so through the condemnation procedures contained in Art. 21, Title 12 of the Code, or similar condemnation statutes; see Art. 25, §138. Judicial review is provided for in these cases; Art. 21, §12-108.

SECTION 6. AND BE IT FURTHER ENACTED, That a new §594D be and it is hereby added to Article 27, Annotated Code of Maryland (1971 Repl. Vol. as added to or amended by legislation enacted at the 1973 regular session of the General Assembly), title "Crimes and punishments", subtitle "Venue, Procedure, and Sentence", to be under the new subheading "District Court Judges - Powers as to Warrants and Writs", and to read as follows:

DISTRICT COURT JUDGES - POWERS AS TO WARRANTS  
AND WRITS