

Appeals from Courts of Law.

1904, art. 5, sec. 2. 1888, art. 5, sec. 2. 1860, art. 5, sec. 3. 1713, ch. 4.
1785, ch. 87, sec. 6.

2. From any judgment or determination of any court of law in any civil suit or action, or in any prosecution for the recovery of any penalty, fine or damages, any party may appeal to the court of appeals

Jurisdiction.

When the lower court exceeds its jurisdiction, an appeal lies. *Gibson v. Cook*, 62 Md. 260; *Kinnear v. Lee*, 28 Md. 488.

From an order passed by a court after a case has gone from its jurisdiction, an appeal lies. *Price v. Taylor*, 21 Md. 366.

Whether an appeal lies in cases of *certiorari*, depends upon whether the court upon a return of the writ exercises a *quasi* appellate power, or whether the writ is sued out to test the power or jurisdiction of the lower court. In the first case, there is no appeal: *contra* in the second case. *Baltimore, etc., R. R. Co. v. Northern Central Ry. Co.*, 15 Md. 193.

Striking out judgments.

An appeal lies in the following cases:

From an order refusing to strike out a judgment at the term at which it was rendered. *Merrick v. B. & O. R. R. Co.*, 33 Md. 487; *Hall v. Holmes*, 30 Md. 558.

From an order passed after the lapse of the term setting aside an the term at which it was entered. *Smith v. Black*, 51 Md. 247; *Henderson v. Gibson*, 19 Md. 234; *Wainwright v. Wilkinson*, 62 Md. 148.

From an order striking out a final judgment of inquisition after the lapse of the term, though the judgment by default be allowed to stand. *Green v. Hamilton*, 16 Md. 317.

From an order overruling a motion to strike out for cause the verdict of a jury of inquisition and judgment thereon. *Walsh v. State*, 53 Md. 539.

From the refusal of the court to strike out a judgment entered inadvertently on Sunday and to enter it on another day. *Ecker v. First National Bank*, 62 Md. 519.

Executions.

An appeal lies in the following cases:

From an order setting aside or refusing to set aside an execution. *Hollingsworth v. Floyd*, 2 H. & G. 87; *Wilmer v. Harris*, 5 H. & J. 1.

From an order passed after the lapse of the term setting aside an execution, striking out a judgment of condemnation in an attachment, and directing the case to be brought forward by continuances. *Graff v. Merchants & Miners, etc., Co.*, 18 Md. 364.

From an order staying execution on a judgment. *Greff v. Fickey*, 30 Md. 75.

Generally.

An appeal lies in the following cases:

From an order of court on a matter partly within and partly beyond its discretion. *Negroes Bell v. Jones*, 10 Md. 322.

From the refusal of the court to bring forward a case by continuances after striking out a judgment. *Munnikhuysen v. Dorsett*, 2 H. & G. 374.

From an order refusing to correct an unauthorized entry of non-suit. *Wainwright, v. Wilkinson*, 62 Md. 148.

From the Baltimore city court reviewing the proceedings of the commissioners for Opening Streets under statute. *Page v. Baltimore*, 34 Md. 558.

From a judgment entered upon an inquisition, except where a special jurisdiction has been conferred to confirm or reject the inquisition at discretion. *Forrester v. Sisco*, 49 Md. 586.

From the refusal of the court to allow a defendant to plead "limitations" to a declaration which the court has allowed the plaintiff to amend. *Schulze v. Fox*, 53 Md. 43.