

**Abatement in Court of Appeals.**

75. Not to abate by death of parties.  
New parties.
76. Death of appellant before beginning of term.
77. Death of party pending appeal having attorney in court.
78. Execution on judgment entered without notice of death.
79. Case of death before or after judgment; proviso.

**Appeals in Criminal Cases.**

80. Bills of exception in criminal cases; affidavit of counsel; stay of execution; bail.
81. Remanding of record for correct sentence.

**Appeals from the Commissioner of the Land Office.**

82. Any party aggrieved may appeal.  
Appeal bond.
83. Time for taking appeal and transmitting record.

**Appeals from County Commissioners.**

84. Appeals by party aggrieved or taxpayer within sixty days from order or decision. Payments of cost. Docketing of appeal.

85. Jury trial. Powers of circuit courts.

**Appeals from Justices of the Peace.**

86. To be taken to the circuit court or Baltimore city court. How to be tried.
87. Personal representative of deceased may appeal.
88. Justice must enter appeal and transmit papers.
89. Appeals to be docketed and appellee summoned.
90. When appeal shall stand for trial.
91. On two *non ests*, case may be tried *ex parte*.
92. Execution stayed by appeal bond.
93. Bond to be filed, when.
94. How executed in case of death of justice.
95. Costs before justice to be paid before trial of appeal. This section not to apply to Allegany county, nor Frederick county.
96. Commitment for non-payment of penalty. Limit of imprisonment.

**Amendment on Appeal from Justices of the Peace.**

97. Amendments in discretion of court.
98. Continuances and costs upon appeal.

1904, art. 5, sec. 1. 1888, art. 5, sec. 1. 1860, art. 5, sec. 1. 1713, ch. 4. 1729, ch. 3. 1811, ch. 171. 1818, ch. 204, sec. 1. 1826, ch. 200, sec. 2. 1852, ch. 239, sec. 3. 1853, ch. 220, sec. 13. 1853, ch. 415, sec. 4.

1. An appeal may be taken from a court of law or equity by application to the clerk; from the orphans' court by application to the register; from the commissioner of the land office by application to the commissioner; from the county commissioners by application to their clerk, and from a justice of the peace by application to the justice; or by filing a petition with the clerk of the court to which the appeal is made; and upon such application, if made within the time prescribed by law for taking such appeal, the clerk, register, commissioner or justice to whom the same is made shall enter a prayer of appeal upon his docket or minutes of proceedings, and transmit the papers or a transcript of the record, as hereinafter required.

A motion to dismiss an appeal does not go to the merits, but raises the question of the time and form of the appeal. *Ringgold v. Emory*, 1 Md. 350.

The filing of a bill of exceptions is not equivalent to the entry of an appeal. *State v. Mackall*, 11 G. & J. 456; *Bond v. Citizens, etc.*, Bank, 65 Md. 501.

An order of appeal is mandatory upon the lower court. *Thompson v. McKim*, 6 H. & J. 302.

If the court is evenly divided upon a motion to dismiss an appeal, the motion can not prevail. *Hatton v. Weems*, 12 G. & J. 102.