

The jurisdiction of the circuit court or Baltimore city court is appellate and no appeal lies from its judgment, nor from its action in quashing an attachment issued on such judgment. *Main v. Fessler*, 89 Md. 470. See also, *Judeford v. State*, 78 Md. 511; *Rayner v. State*, 52 Md. 374; *Hough v. Kelsey*, 19 Md. 454.

Where a party has a right of appeal under this section, equity will afford no relief from the action of a justice. *Chappell v. Cox*, 18 Md. 518. And see *Lyday v. Double*, 17 Md. 195; *Brumbaugh v. Schnellby*, 2 Md. 324; *Gott v. Carr*, 6 G. & J. 309.

A bill of exceptions is not allowed and will be disregarded on appeals from a justice of the peace. *Cole v. Hynes*, 46 Md. 181.

Cited but not construed in *Slymer v. State*, 62 Md. 243.

As to "justices of the peace," see art. 52.

1904, art. 5, sec. 87. 1888, art. 5, sec. 84. 1860, art. 5, sec. 51.
1834, ch. 105, sec. 1.

87. If either party die after the rendition of a judgment by a justice of the peace, his executor or administrator may appeal within sixty days after the rendition of the judgment.

Ibid. sec. 88. 1888, art. 5, sec. 85. 1860, art. 5, sec. 52. 1852, ch. 239, sec. 3.

88. On the party signifying his intention to appeal, it shall be the duty of the justice of the peace to enter the appeal, with the date thereof, upon his docket, and to transmit the papers in the cause to the clerk of the circuit court, or the clerk of the Baltimore city court.

Ibid. sec. 89. 1888, art. 5, sec. 86. 1860, art. 5, sec. 53. 1852, ch. 239, sec. 3.

89. All appeals shall be docketed, and summons for the appellee issued by the clerk of the circuit court or Baltimore city court, immediately upon the filing the papers in his office, and no petition shall be necessary in any case.

Ibid. sec. 90. 1888, art. 5, sec. 87. 1860, art. 5, sec. 54.
1852, ch. 239, sec. 3. 1904, ch. 662.

90. If the summons shall be returned "summoned," and the papers shall have been filed ten days previous to the commencement of the then next term of the court, the case shall stand for trial at the first term, but if the papers are not filed within that time the case shall not stand for trial until the second term, and if, when said case is called for trial, the appellant is not ready to prosecute his appeal, the court, instead of hearing said case *de novo*, shall affirm the judgment of the justice of the peace, with costs against the appellant, and if there be cross appeals, the court shall affirm the judgment of the magistrate, as against the defendant side of the case below where the defendant appealed, and is not in court ready for trial when said appeal is called for hearing; provided, the party appealing shall dismiss his appeal, and if he does not, the court shall proceed to hear said cross appeals *de novo*.

Ibid. sec. 91. 1888, art. 5, sec. 88. 1860, art. 5, sec. 55.
1852, ch. 76, sec. 3. 1852, ch. 336.

91. If two summonses be returned *non est*, or one summons be returned served, the court may hear and determine the case *ex parte*.

Where there is only one return of "non-est," the court is without jurisdiction. *Mears v. Remare*, 33 Md. 251.

Where the city court proceeds prior to the return of two *non-ests*, and its action is reversed on appeal, the case will be remanded to the city court as if no trial had occurred there. *Mears v. Remare*, 34 Md. 334.