

## ARTICLE V.

### APPEALS AND ERRORS.

#### Appeals from Courts of Law.

2. Any party to civil suit or prosecution for fine, etc., may appeal; joinder of co-plaintiffs or co-defendants not necessary.
- 9A. A prayer to raise the question of a variance between the pleadings and evidence must state such variance specifically.
- 22A. Where the Court of Appeals finds that reversible error affects a

severable item, a new trial may be ordered as to that item only.

#### Execution.

- 71A. Judgments of Court of Appeals; when and where to be a lien.

#### Appeals from Justices of the Peace.

88. Justice to enter appeal and transmit papers to court.

#### 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. 1914, ch. 433.

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 or fine or damages, any party may appeal to the Court of Appeals; and such appeal may be taken with or without the assent or joinder of co-plaintiffs or co-defendants in such appeal.\*

See notes to this section (as it stood in 1911) in volume 1 of the Annotated Code.

#### 9.

Since no objection was made below to a recovery on a fire insurance policy was not passed on by the lower court, it cannot be considered upon appeal. *German Fire Ins. Co. v. Clarke*, 116 Md. 624. And see *Mitchell v. State*, 115 Md. 367.

Since no objection was made below to a granted prayer because it submitted to the jury a question of law, such objection can not be availed of in the Court of Appeals. *Cushwa v. Williamsport*, 117 Md. 314.

If there is no special exception in the lower court to a granted prayer on the ground of the insufficiency of the evidence to support it, the Court of Appeals cannot consider such objection. *Zell v. Dunaway*, 115 Md. 4.

To the first note to this section under the heading "Jurisdiction" on page 136 of volume 1 of the Annotated Code, add the case of *U. S. Express Co. v. Hurlock*, 120 Md. 111.

Questions as to the sufficiency of the pleadings must be raised by demurrer—article 75, section 91A.

See article 75, section 91.

---

As to the Court of Appeals, see article 4, section 14, *et seq.*, of the Md. Constitution.

\*The act of 1914, ch. 433, is in effect September 1, 1914.