

ARTICLE V.

APPEALS AND ERRORS.

Costs.

67A. Disbursement for stenographic report to be taxed.

Appeals from Justices of the Peace.

88. Entry of appeal and transmission of papers; *prima facie* proof.

Appeals from Courts of Law.

2.

An appeal lies from an order sustaining a motion to quash the return of process against a non-resident corporation on the ground that it was not doing business in Maryland, where there is no one upon whom process may be served binding upon the defendant in the jurisdiction in which the suit is instituted. *State v. Pennsylvania Steel Co.*, 123 Md. 215.

The "judgment or determination of any court," mentioned in this section, means a final judgment or determination; an appeal does not lie from interlocutory matters. On an appeal, however, from a final judgment, rulings upon matters of law may be reviewed without a special exception having been taken; no exception need be taken to a ruling holding an account filed with a *narr.* tantamount to a bill of particulars. *Newbold v. Green*, 122 Md. 651.

An appeal lies from an order quashing a return in an attachment on judgment; cases reviewed. The appeal will not be dismissed because there is no bill of exceptions if the record discloses the questions decided by the lower court. *Sharpless Separator Co. v. Brillhart*, 129 Md. 85.

Where an appeal is taken while a motion for new trial is still pending and before final judgment, it will be dismissed; correction of record of lower court. *Md., Del. & Va. Rwy. v. Johnson*, 129 Md. 414.

6.

Where in the trial of issues from the orphans' court, a verdict was rendered on August 23rd, and no appeal was taken until December 2nd, such appeal is too late. *Bradley v. Bradley*, 123 Md. 509.

A record having reached the Court of Appeals one day late, the appeal was dismissed under this section. *Horseman v. Furbush*, 124 Md. 582.

Appeal dismissed under this section; see notes to section 40. *Horsey v. Woodward*, 124 Md. 362.

9.

An objection to a prayer held to have been presented to the court in substantial accordance with this section. The special exception need not be in writing, nor need it form the subject of a special bill of exceptions. *Davidson Chem. Co. v. Miller Co.*, 122 Md. 134.

A prayer instructing the jury in substance that under the pleadings and evidence the plaintiff is entitled to a verdict, held bad; such error was reversible although no special exception was taken under this section. *Conowingo Land Co. v. McGaw*, 124 Md. 649.

Point held not to have been presented to the lower court; hence it could not be considered on appeal. *Williams v. N. Y. Life Ins. Co.*, 122 Md. 145.

As no special exception was taken to a granted prayer, an objection to such prayer cannot be considered on appeal. *Stewart Taxi-Service Co. v. Roy*, 127 Md. 79.