

## ARTICLE 5.

## APPEALS AND ERRORS.

1. How appeals are to be taken.
  - Appeals from Courts of Law.**
  2. Any party may appeal.
  3. In cases of mandamus. Petitions assigning errors.
  4. Formal writs of error dispensed with.
  5. Issues to courts of law from orphans' or equity court.
  6. Within what time appeals must be taken and record transmitted.
  7. Time within which appeals from court of law in cases of issues sent from orphans' court must be taken.
  8. Within what time appeals in insolvent cases must be taken.
  9. Certificate of court below in insolvent cases of questions decided.
  10. What questions open in court of appeals.
  11. A prayer to raise the question of a variance between the pleadings and evidence must state such variance specifically.
  12. Bills of exception—how to be prepared.
  13. How bill of exceptions may be authenticated.
  14. Documents not to be inserted at length. Qualifications of this rule.
  15. How record is to be made up.
  16. How costs shall be awarded.
  17. Judgment in cases of reversal.
  18. Court of appeals may, upon written agreement of parties, enter up final judgment in cases of reversal of judgment and remanding for new trial.
  19. No reversal or dismissal for want of form.
  20. Amendment of writs of error.
  21. No reversal because verdict larger than damages claimed.
  22. Such judgment to be given as amendment may require.
  23. All exceptions to be decided where a new trial is awarded.
  24. When new trial shall be awarded.
  25. Where the court of appeals finds the reversible error affects a severable item, a new trial may be ordered as to that item only.
  26. Where there is more than one defendant, court of appeals may affirm or reverse judgments as to one or more or all of said defendants.
  27. When removal to another court may be ordered by court of appeals.
  28. When continuances may be entered by court below.
  29. Issue of fact in writs of error *coram vobis*, how to be tried.
  - Appeals from Courts of Equity.**
  30. Allowed from final decrees or orders.
  31. Special orders from which appeal may be taken.
  32. Interlocutory orders open for revision on appeal from final decrees.
  33. Stay of execution by appeal bond; proviso.
  34. Bond to stay operation of previous order.
  35. Appeal from order refusing injunction.

As to appeals from judgments of the courts of Baltimore city or the circuit courts of the counties, in cases instituted for a review of an order or determination of the public service commission, see art. 23, sec. 407.

As to the right of appeal in contested election cases, see art. 33, sec. 143.

As to the court of appeals, see art. 26, sec. 31, *et seq.*

As to the clerk of the court of appeals, see art. 17, sec. 47, *et seq.*

As to the court of appeals, see art. 4, sec. 14, *et seq.*, of the Md. Constitution.