

This section does not qualify or restrict the powers of a law court; it merely gives a right of exception and appeal as in other cases at law. *Waters v. Waters*, 26 Md. 73. See also *Price v. Taylor*, 21 Md. 366.

The entry of an appeal stays the proceedings in the orphans' court whether that court knows of the appeal or not. An order passed by the orphans' court in ignorance of the appeal should be at once rescinded. *Berry v. Safe Deposit Co.*, 93 Md. 243.

Cited but not construed in *Goodman v. Wineland*, 61 Md. 455; *Barth v. Rosenfeld*, 36 Md. 615; *Van Ness v. Van Ness*, 6 How. 62.

As to a stay of proceedings in the orphans' court, see sec. 68.

As to issues from the orphans' court, see art. 93, secs. 254, 262 and 264.

An. Code, sec. 6. 1904, sec. 6. 1888, sec. 6. Rule 2. 1922, ch. 356, sec. 6.

6. All appeals, or writs of errors, allowed from any judgment or determination of a court of law, to the Court of Appeals of this State, other than from decisions of questions arising under the insolvent law and from decisions and determinations or rulings in cases of issues sent from the Orphans' Court to a court of law to be tried, shall be taken within two months from the date of such judgment or determination, and not afterwards; and the transcript of the record shall be transmitted to the Court of Appeals within three months from the time of the appeal taken, or writ of error allowed.

Time of appeal.

Where a final judgment is improperly entered before a motion for new trial filed in due time has been disposed of, the appeal will not be dismissed because not entered within two months from such judgment. *Heiskell v. Rollins*, 81 Md. 397.

Although the order of an appeal was not actually entered until after the time provided by this section, since it was satisfactorily shown by deposition that the order was filed in due time and that the same was lost or mislaid without having been entered on the docket, the appeal will not be dismissed. *Cahill v. Baltimore*, 93 Md. 233.

The appeal must actually be entered of record within the two months. *Gaines v. Lamkin*, 82 Md. 129. And see *Meyer v. Steuart*, 48 Md. 426.

The filing of a bill of exceptions is not equivalent to the entry of an appeal. *Farmers' Bank v. Mackall*, 11 G. & J. 457.

The death of the appellee does not suspend the running of the time within which the appeal must be taken. *Hopper v. Jones*, 64 Md. 578.

An appeal taken too late will be dismissed. *Riley v. New York, etc., Co.*, 90 Md. 59; *Gemmell v. Davis*, 71 Md. 463; *Peabody Heights, etc., Co. v. Sadtler*, 62 Md. 145; *Walsh v. State*, 53 Md. 544; *Meyer v. Steuart*, 48 Md. 426; *Jacobs v. Bealmear*, 41 Md. 484. And see *Hopper v. Jones*, 64 Md. 578; *Wilmer v. Lang*, 142 Md. 700.

In the trial of issues from the orphans' court, the time within which an appeal must be taken runs from the date of the verdict in the court of law; the filing of a motion for a new trial does not enlarge the time. *Estoppel*. Appeal dismissed. *Kamps v. Alexander*, 133 Md. 199.

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.

Time of transmitting record.

An appeal must be dismissed if the record is not transmitted in time, subject only to the exception set out in sec. 44; so also as to appeals in equity. No sufficient excuse for delay. *Marx v. Reinecke*, 142 Md. 343.

Appeal dismissed because the record was not transmitted in time. Desire of counsel to inspect transcript and mistake as to the time remaining for transmission of record, and his being engaged in performing patriotic service, not sufficient reasons for delay. *Castelberg v. Hamburger*, 133 Md. 45.

Where by agreement of parties the signing of a bill of exceptions is postponed so that the record cannot be transmitted in time, the appeal will not be dismissed,