

**Appeals from Orphans' Courts.****64.**

An appeal lies from order dismissing petition of heirs asking court to grant letters on ground that decedent was resident of another county. *Pattison v. Firor*, 146 Md. 249.

Appeals only permitted from final orders and decisions of Orphans' Court. *Collins v. Cambridge Hospital*, 158 Md. 116.

This section referred to in construing art. 101, sec. 56. *Gold Dust Corp. v. Zabawa*, 159 Md. 667.

An appeal lies from an order granting the form of issues, sufficiency of pleadings, etc. *Holland v. Enright*, 167 Md. 608.

**65.**

This section has no application where petition was dismissed without hearing or opportunity to offer testimony. *Bushong v. Clark*, Daily Record, June 17, 1935.

**66.**

Petition asking revocation of probate of will must be filed within thirty days after actual or constructive knowledge of probate. *Perrin v. Praeger*, 154 Md. 550. And see *Hunter v. Baker*, 154 Md. 330 (involving petition to revoke order or decree of orphans' court; what amounts to constructive knowledge).

Appeal not taken in time, dismissed. *In re Estate of Knight*, 144 Md. 378; *Marx v. Reinecke*, 145 Md. 320.

To sixth note to this section, page 246, vol. 1, of Code, add *Brinsfield v. Mather*, 166 Md. 473.

**Abatement in Court of Appeals.****81.**

Court of Appeals will dispose of case where appellant dies after beginning of term, the death not being verified and no indication as to who is executor or administrator, nor any action in behalf of personal representative. *Owens v. Graetzel*, 149 Md. 698.

**84.**

See notes to sec. 81.

**Appeals in Criminal Cases.****86.**

This section does not authorize appeals in cases of criminal contempt; no such appeal lies. *Ex parte Sturm*, 152 Md. 125. See sec. 105.

Cited but not construed in *Crout v. State*, 157 Md. 388.

This section cited but not construed in separate opinion in *Heyward v. State*, 161 Md. 699.

The fact that this section permits the use of bills of exceptions in criminal cases does not prohibit the use of methods previously used for bringing facts up to appellate court. *Lee v. State*, 163 Md. 56.

**87.**

To third and fourth notes to this section, page 253, vol. 1, of Code, add *Kelly v. State*, 151 Md. 101; *Klein v. State*, 151 Md. 494.

This section referred to in *Heyward v. State*, 161 Md. 699.

1933 (Special Sess.), ch. 98.

**87A.** Whenever any writ of error or appeal shall be brought upon any judgment, or any indictment, information, presentment, inquisition or conviction in any criminal case, the Court of Appeals shall give judgment without regard to technical errors, defects or exceptions, which do not affect the substantial rights of the parties.

This section referred to in sustaining indictment under art. 27, sec. 170. *State v. Coblentz*, 167 Md. 530.