

**Jurisdiction.**

When the lower court exceeds its jurisdiction, an appeal lies. *Gibson v. Cook*, 62 Md. 260; *Kinnear v. Lee*, 28 Md. 488.

From an order passed by a court after a case has gone from its jurisdiction, an appeal lies. *Price v. Taylor*, 21 Md. 366.

Whether an appeal lies in cases of *certiorari*, depends upon whether the court upon a return of the writ exercises a *quasi* appellate power, or whether the writ is sued out to test the power or jurisdiction of the lower court. In the first case, there is no appeal; *contra* in the second case. *Baltimore, etc., R. R. Co. v. Northern Central Ry. Co.*, 15 Md. 193.

Where a limited tribunal goes beyond its jurisdiction, its decision amounts to nothing and does not create the necessity for an appeal. *Baltimore v. Porter*, 18 Md. 302.

**Striking out judgments.**

*An appeal lies in the following cases:*

From an order refusing to strike out a judgment at the term at which it was rendered. *Merrick v. B. & O. R. R. Co.*, 33 Md. 487; *Hall v. Holmes*, 30 Md. 558.

From an order striking out a judgment passed after the lapse of the term at which it was entered. *Smith v. Black*, 51 Md. 247; *Henderson v. Gibson*, 19 Md. 234; *Wainwright v. Wilkinson*, 62 Md. 148.

From an order striking out a final judgment of inquisition after the lapse of the term, though the judgment by default be allowed to stand. *Green v. Hamilton*, 16 Md. 317.

From an order overruling a motion to strike out for cause the verdict of a jury of inquisition and judgment thereon. *Walsh v. State*, 53 Md. 539.

From the refusal of the court to strike out a judgment entered inadvertently on Sunday and to enter it on another day. *Ecker v. First National Bank*, 62 Md. 519.

**Executions.**

*An appeal lies in the following cases:*

From an order setting aside or refusing to set aside an execution. *Hollingsworth v. Floyd*, 2 H. & G. 87; *Wilmer v. Harris*, 5 H. & J. 1.

From an order passed after the lapse of the term setting aside an execution, striking out a judgment of condemnation in an attachment, and directing the case to be brought forward by continuances. *Graff v. Merchants & Miners, etc., Co.*, 18 Md. 364.

From an order staying execution on a judgment. *Greff v. Fickey*, 30 Md. 75.

**Generally.**

*An appeal lies in the following cases:*

From an order of court on a matter partly within and partly beyond its discretion. *Negroes Bell v. Jones*, 10 Md. 322.

From the refusal of the court to bring forward a case by continuances after striking out a judgment. *Munnikhuysen v. Dorsett*, 2 H. & G. 374.

From an order refusing to correct an unauthorized entry of non-suit. *Wainwright v. Wilkinson*, 62 Md. 148.

From the Baltimore city court reviewing the proceedings of the commissioners for opening streets under statute. *Page v. Baltimore*, 34 Md. 558.

From a judgment entered upon an inquisition, except where a special jurisdiction has been conferred to confirm or reject the inquisition at discretion. *Forrester v. Sisco*, 49 Md. 586.

From the refusal of the court to allow a defendant to plead "limitations" to a declaration which the court has allowed the plaintiff to amend. *Schulze v. Fox*, 53 Md. 43.

From an order overruling a motion to strike out an unauthorized appearance of, and pleas filed by, an attorney for a garnishee in an attachment. *Albert v. Albert*, 78 Md. 348.

Where a decision is made which injuriously affects the claim of a trustee for commissions. *White v. Malcolm*, 15 Md. 541.

From the judgment of the county court reversing their former judgment, and for costs. *Hawkins v. Bowie*, 9 G. & J. 428.

From the judgment of a court in setting aside an award made by referees to whom the case was referred under rule of court. *Garitee v. Carter*, 16 Md. 309. See also *Hickley v. Stewart*, 12 G. & J. 456.

A creditor may appeal from an order finally discharging an insolvent. *Waters v. Momeny*, 68 Md. 172.

From an order quashing an indictment. *State v. Hodges*, 55 Md. 127.

From every decision which settles a matter of right, be the decision adverse or by consent or default. *Chesapeake Bank v. McClellan*, 1 Md. Ch. 330.

Where a case is tried before the court without a jury an appeal lies from the action of the court on matters of law. *Tinges v. Moale*, 25 Md. 484.

**Interlocutory matters.**

*No appeal lies in the following cases:*

From an interlocutory judgment overruling a demurrer. *Griffie v. Mann*, 62 Md. 253; *Wheeler v. State*, 7 Gill 34.

From an order sustaining a demurrer to a replication. *Dietrich v. Swartz*, 41 Md. 196.