

If a valid agreement not to appeal is proven in the court of appeals, the appeal will be dismissed. *Lester v. Howard*, 24 Md. 233; *Ward v. Hollins*, 14 Md. 158.

From the decision of a lower court as to the correctness of its records, no appeal lies. *Greff v. Fickey*, 30 Md. 75.

From an order dismissing an application for discharge on *habeas corpus*, no appeal lies. *Annapolis v. Howard*, 80 Md. 245; *State v. Boyle*, 25 Md. 509; *Ex Parte Coston*, 23 Md. 271; *Bell v. State*, 4 Gill, 301.

From an order imposing a fine for contempt, no appeal lies. *State v. Stone*, 3 H. & McH. 115.

Under this section, an appeal lies on questions of law apparent on the face of the record in prosecutions for the recovery of any penalty, fine or damages. This section is not repealed by the act of 1892, ch. 506, relating to criminal cases. *Salfner v. State*, 84 Md. 299. See also *Bramble v. State*, 88 Md. 687.

No appeal lies under this section in cases of forcible entry and detainer. *Isaac v. Clarke*, 9 G. & J. 114.

When an insolvent trustee may appeal. *Salmon v. Pierson*, 8 Md. 297; *Teackle v. Crosby*, 14 Md. 23.

The right of appeal is not to be abridged by a narrow or technical construction. *O'Hern v. Browning*, 33 Md. 475.

The jurisdiction of the court of appeals is defined and limited, and cannot be extended beyond those limits. *Wylie v. Johnson*, 29 Md. 298.

From a judgment by the party in whose favor it was rendered, no appeal lies. *Coates v. Mackey*, 56 Md. 420.

This section applied. *Davidson v. State*, 77 Md. 395; *Rawlings v. State*, 1 Md. 127. Jurisdiction on appeal upheld under this section in case of prosecution under art. 56, sec. 264. *Motor Co. v. State*, 147 Md. 234.

No right of appeal lies from judgment on writ of *scire facias* issued out of Superior Court on judgment of justice of peace recorded therein. *Ruth v. Durendo*, 166 Md. 84.

Cited in *Cohen v. State*, 173 Md. 220.

See also, secs. 44 to 56, and notes to sec. 49.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1845, ch. 7.

3. Any party to a writ of mandamus may appeal; and petitions assigning errors may be filed in civil or criminal cases, in lieu of the formal writs of error heretofore issued in this State, in cases where writs of error were formerly allowed.

To warrant an appeal, there must be a final judgment granting the writ of mandamus or dismissing the petition. *Watts v. Port Deposit*, 46 Md. 502.

If the petition assigning error does not show that the matter complained of was passed on by the lower court, the assignment of errors must be quashed. *Ecker v. First National Bank*, 62 Md. 519.

Where the court deems further proceedings proper, a *procedendo* may be awarded in mandamus cases. *Harwood v. Marshall*, 9 Md. 108.

As to mandamus, see art. 60.

See sec. 49, and notes thereto.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. Rule 1.

4. Formal writs of error shall, in all cases, be dispensed with, and the party applying to have the record removed, as upon writ of error, in cases where by law writs of error are allowable, shall, by brief petition, addressed to the court in which the case was tried, plainly designate the points or questions of law by the decision of which he feels aggrieved; which application so to remove the record, shall be allowed as of right; and no point or question not thus plainly designated in such application shall be heard or determined by the court of appeals.

A special exception to a prayer on the ground merely that there is no evidence legally sufficient to support the same, is defective. *Havens v. Reach*, 139 Md. 484.

An assignment of error to the effect merely that a demurrer was sustained, is insufficient; what the assignment should set out, and what matters of fact cannot be made the subject of an assignment of error. *McCaddin v. State*, 100 Md. 670; *State v. Norris*, 70 Md. 91; *State v. Scarborough*, 55 Md. 345.

An assignment of error will be dismissed if the errors assigned are subjects of demurrer, or in arrest of judgment. *Davis v. State*, 39 Md. 385.

This section is not repealed by the act of 1892, ch. 506, and still applies where no exceptions are reserved. *Avirett v. State*, 76 Md. 516; *State v. Floto*, 81 Md. 602.