

or sums as shall have been expended by the party or parties to whom costs are awarded for the stenographic report in the lower court of the proceedings in order to make the record for the appeal to the Court of Appeals.

Appeals in Cases of Forfeiture of Charter.

An. Code, 1924, sec. 73. 1912, sec. 68. 1904, sec. 68. 1888, sec. 66. Rule 22.

73. The appeal allowed by section 108¹ of Article 23 of the Code of Public General Laws, shall be taken within thirty days from the date of the judgment or determination of the court appealed from; and the transcript of the record shall be transmitted to this court within thirty days from the day of the appeal entered.²

No appeal under this section from the action of the court in overruling a demurrer; there must be a final judgment. *State v. Easton, etc., Club*, 72 Md. 299.

See art. 23, sec. 98, *et seq.*

An. Code, 1924, sec. 74. 1912, sec. 69. 1904, sec. 69. 1888, sec. 67. Rule 23.

74. The appellant or appellants, if the defendant or defendants in the cause, upon praying such appeal, in order to stay the execution or enforcement of the judgment appealed from, shall tender and file in the cause an appeal bond, in such form and with such sureties, as may be approved by the court, the penalty in such bond not to exceed, in any case, the sum of ten thousand dollars.

Execution.

An. Code, 1924, sec. 75. 1912, sec. 70. 1904, sec. 70. 1888, sec. 68. 1806, ch. 90, sec. 3. 1888, ch. 509.

75. A writ of *feri facias* or attachment may be issued upon any judgment of the court of appeals directed to the sheriff of the county in which the original judgment appealed from was rendered and returnable to the circuit court for such county; and at the same time such writ may also be issued by leave of the court upon good cause shown, and upon such terms as the court shall prescribe, directed to the sheriff of any other county or counties in the State, and returnable to the circuit court for such county or counties; and there shall be sent with each writ a short copy of the judgment; and each of the said writs shall be proceeded in and renewed as if it had issued from the circuit court to which it is returnable.

Execution is issuable out of the court of appeals for the enforcement of any of its judgments; see notes to art. 16, sec. 240. *Marshall v. Marshall*, 124 Md. 262.

This section referred to in deciding that the lower court cannot vacate a judgment affirmed on appeal. *United Rys. Co. v. Corbin*, 109 Md. 60.

As to executions on judgments, see art. 26, sec. 21.

An. Code, 1924, sec. 76. 1912, sec. 71. 1904, sec. 71. 1888, sec. 69. 1806, ch. 90, sec. 3. 1888, ch. 509.

76. Either of the writs mentioned in the preceding section may be directed to the sheriff of the City of Baltimore, and if so directed it shall be made returnable to the court from which the appeal was taken, and the same proceedings shall be had as provided in the preceding section.

Cited but not construed in *United Rys. Co. v. Corbin*, 109 Md. 61.

¹ The rules of the court of appeals refer to sec. 374 of art. 23, but this evidently was to the Code of 1904, this section being 108 in this edition.

² 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. 418.