

appeal shall be entered, no judgment shall be rendered against the accused, in case he shall be found guilty, until the Court of Appeals shall have determined upon the exception, and remanded the case to the court below.

38. 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, and the Court of Appeals shall reverse the judgment for error in the judgment, or sentence itself, it shall be the duty of the Court of Appeals to remit the record to the court below, in order that such court may pronounce the proper judgment upon such indictment, information, presentment, inquisition, or conviction; *provided*, however, that it shall be the duty of the court in passing any sentence under the provisions of this section to deduct from the term of sentence the time already served by the prisoner under the previous sentence from the date of his conviction.

1878, c 40
When court to
remit record in
criminal case.

What deduction
to be made
from term of
sentence

1864, c 156
Who may ap-
peal

21 Md 44, 22
Md 196, 24 Md
1, 26 Md 83, 27
Md 242, 258, 28
Md 67, 29 Md
18, 298, 30 Md
210, 263, 271, 422,
489, 31 Md 476,
485, 32 Md 253,
33 Md 60, 84
Md 672, 35 Md
496, 36 Md 238,
39 Md 429, 41
Md 599, 44 Md
389, 45 Md. 632
Proviso

Rules of Court
of Appeals,
No 9

Within what
time appeal to
be taken
20 Md 420, 34
Md 672, 36 Md
243, 41 Md 486,
42 Md. 361.

Art 5, s 21
1835, c 346, s 2,
1835, c 380, s 3,
1841, c 11,
1845, c 367, s 1
From what
appeals taken
19 Md 130, 21
Md 50, 383, 22
Md 477, 26 Md
83, 27 Md 345,
570, 28 Md 206,
227, 588, 29 Md.
18, 298, 30 Md
29, 32 Md 151,
561, 41 Md 579,
42 Md 251, 44
Md 386, 45 Md
632

Art 5, s 22
1830, c 185, s 1,
1845 c 367, s 3
Previous orders
considered on
appeal
22 Md 196, 28
Md 548, 29 Md

APPEALS FROM COURTS OF EQUITY.

39. An appeal shall be allowed from any final decree, or order in the nature of a final decree, passed by a court of equity, by any one or more of the persons parties to the suit, with or without the assent or joinder of co-complainants or co-defendants in such appeal; *provided*, that if the Court of Appeals shall affirm the decree or order of the court below, they shall not award costs of the appeal against any one except the person or persons that shall have appealed.

40. All appeals allowed from decrees or orders of courts of equity shall be taken and entered within nine months from the date of the decree or order appealed from, and not afterwards; unless it shall be alleged on oath that such decree or order was obtained by fraud or mistake, in which case the appeal shall be entered within two months from the time of the discovery of the fraud or mistake, and not afterwards.

41. An appeal may also be allowed in the following cases, to wit: From any order granting an injunction, or from a refusal to dissolve the same; or an order appointing a receiver, the answer of the party appealing being first filed in the cause; from an order dissolving an injunction; from an order for the sale, conveyance, or delivery of real or personal property, or the payment of money, unless such delivery or payment be directed to be made to a receiver appointed by such court; or from an order determining a question of right between the parties, and directing an account to be stated on the principle of such determination.

42. On an appeal from a final decree or order, all previous orders which may have passed in the cause shall be open for revision in the Court of Appeals, unless an appeal under the next preceding section may have previously been taken to such order.

298, 32 Md 151, 41 Md. 422, 539, 43 Md 378