

city, the orphans' court shall direct the transcript of the proceedings to be transmitted to the circuit court, or superior court of Baltimore city, whose decision shall be final.

*State v. McCarty*, 64 Md. 253.

P. G. L., (1860,) art. 5, sec. 45. 1836, ch. 289, sec. 1.

**64.** It shall be the duty of the clerk or register transmitting a record to the court of appeals, to mark upon the record the amount of the costs taxed against the plaintiff and defendant, respectively, to the time of the appeal.

#### Costs.

P. G. L., (1860,) art. 29, sec. 42.

**65.** In appeals from the courts of equity and orphans' courts, the awarding of costs shall be in the discretion of the court of appeals.

*Haffner v. Dickson*, 2 H. & J. 46. *Worthington v. Bicknell*, 2 H. & J. 58. *Hoffman v. Baker*, 2 H. & J. 486. *Dorsey v. Smith*, 7 H. & J. 345. *Ringgold v. Ringgold*, 1 H. & G. 13. *Clagett v. Salmon*, 5 G. & J. 314. *Hatton v. Weems*, 12 G. & J. 85. *Waring's Admr v. Edmonds*, 11 Md. 433. *Calvert v. Carter*, 18 Md. 75. *Sellers v. Zimmerman*, 21 Md. 355. *Mears v. Moulton*, 30 Md. 145. *Hamilton v. Schwehr*, 34 Md. 107.

#### Appeals in Cases of Forfeiture of Charter.

##### Rule 22.

**66.** The appeal allowed by section 263 of article 23, 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.

##### Rule 23.

**67.** 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.