

been in the first instance awarded by the chancellor or the said judges or judge of the said county courts as courts of equity, and when an appeal shall be allowed in the manner aforesaid, from an order dissolving an injunction, such appeal shall be heard and determined at the next term of the said court of appeals, if allowed in the recess of that court, or by the then sitting court, when allowed during the session of that court. Trial thereof.

CHAPTER 208.

AN ACT respecting Appeals in cases of Issues sent for Trial from Orphans Court.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* Case of trial.  
 That in all cases now pending or which may hereafter arise, where an issue or issues have been, or may be sent by any orphans court for trial, in any county court of this state, and where any of the parties interested in the trial aforesaid, have taken or shall take, and tender any exceptions to any opinion of the court, before whom such issue or issues shall be tried, after verdict rendered on such issue or issues, and appeal from such opinion prayed by the party, excepting as aforesaid, a transcript of the matter and proceedings in said county court, and of said bills of exceptions, shall by said county court, be transmitted to the court of appeals, of the shore where such issues have been, or shall be tried; and the said court of appeals, shall hear and determine said exceptions, at the first term to which such transcript shall be transmitted; unless cause to the contrary, be shewn to said court of appeals; and if said court of appeals shall overrule any opinion aforesaid, of said county court; said court of appeals, shall by order or writ of procedendo, remand the case and proceedings to the county court aforesaid, with a certificate of the decision of said court of appeals, on each and every exception taken and transmitted as aforesaid; and thereupon said county court shall proceed anew, with the trial of said issue or issues. Where exceptions are taken. And appeal prayed. Transcript to be transmitted. Trial thereof at first term. Case of overruling. Procedendo. New trial.

SEC. 2. *And be it enacted,* That the said appeal to the court of appeals, shall while pending, stay all proceedings of the said orphans court; touching the matter and object of said issue or issues. Proceedings stayed.

SEC. 3. *And be it enacted,* That if the case and proceedings aforesaid, shall not be remanded to the county court as aforesaid; the court of appeals may at its discretion allow and render judgment for costs against appellant, or appellants, to be recovered and enforced, as in case of costs awarded on appeals, from judgments at common law. Authority to give judgments for cost.