

of witnesses, the party shall not be allowed to appeal, unless he shall immediately notify his intention and request that the testimony be reduced to writing, and in such case the depositions shall be at the cost of the party in the first instance reduced to writing.

41. The register shall make out, and transmit to the Court of Appeals, a full transcript or record of the whole proceedings of the court in such case, under the hand of the register and the seal of the court, within sixty days after the appeal, or to the next Court of Appeals after said appeal is entered, and upon the receipt of such transcript by the clerk of the Court of Appeals, he shall enter the case upon his docket as of the term next after the date of said appeal.

42. The Court of Appeals shall either affirm the decree, judgment, decision or order of the court below, or direct in what manner it shall be changed or amended, and the decision of the Court of Appeals shall be final and conclusive, and when certified under the seal of the court and transmitted to the Orphans' Court, the Orphans' Court shall proceed according to the tenor and directions thereof.

43. An appeal from the Orphans' Court shall not stay any proceedings therein which may with propriety be carried on before the appeal is decided; *Provided*, the said Orphans' Court can provide for the conforming to the decision of the Court of Appeals, whether the said decision may eventually be for or against the appellant.

44. If upon an appeal being entered in the Orphans' Court the parties shall mutually agree, and enter their assent in writing to be filed by the Register of Wills, that the appeal shall be made to the Circuit Court for the county, or Superior Court for Baltimore, the Orphans' Court shall direct the transcript of the proceedings to be transmitted to the Circuit Court, or Superior Court for Baltimore, whose decision shall be final.

45. 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.