

be in the discretion of the Court of Appeals, see *Doub v. Mason*, 5 Md. 612, appendix, the case always referred to on the subject.

part of it relates to his appeal and the record in his appeal includes only such part. *Boyce v. McLeod*, 107 Md. 1.

Where the record is uselessly encumbered with irrelevant matter, the party responsible, though successful in the appeal, is often made to pay a part of the costs. *Schnepfe v. Schnepfe*, 108 Md. 139; *Griffith v. Dale*, 109 Md. 697. Cf. *Estep v. Tuck*, 109 Md. 528.

The filing of a motion for re-argument after a case has been decided by the Court of Appeals does not operate as a stay, or prevent the issue of a *fi. fa.* for costs. *Willson v. Williams*, 106 Md. 657; *Chappell v. Chappell*, 86 Md. 532.

* **Appeals from Orphans Courts.**—Sec. 67 of Art. 5 of the Code of 1911 provides that in appeals from Orphans Courts the awarding of costs shall be in the discretion of the Court of Appeals.

But the Court of Appeals has held that in the case of the trial of issues from the Orphans Court, or plenary proceedings therein, the awarding of costs is exclusively in the discretion of the latter court under Code 1911, Art. 93, sec. 255; and no appeal lies therefrom. *Bantz v. Bantz*, 52 Md. 686; *Johns v. Hodges*, 60 Md. 215; *Brown v. Johns*, 62 Md. 333; *Dalrymple v. Gamble*, 68 Md. 156; *Hubbard v. Barcus*, 38 Md. 166. Where, however, the order of the Orphans Court is reversed, the Court of Appeals makes such disposition of costs as it thinks proper. *Home of Aged v. Bantz*, 107 Md. 543, 556. See also *Grill v. O'Dell*, 111 Md. 64; *Snook v. Munday*, 90 Md. 701, 704, 705; *Snook v. Zentmyer*, 90 Md. 705; *Grabill v. Plummer*, 95 Md. 56. See also note 20 to 6 E. 1, c. 1.

The THIRD PARLIAMENT holden in the Fourth Year of the
Reign of King HEN. VII. A. D. 1487.

CAP. XII.

All Justices of Peace shall execute their Commission, redress Injuries,
and maintain the Laws.

This law, which is of some length, does nothing more than require Justices of Peace to execute their office, and to report those who let or obstruct them in the discharge of their duty; and it provides remedies, which though they may have their counterparts in our administration of justice, cannot be literally executed. It is therefore inserted only by its title.