

CASES DECIDED
IN THE
HIGH COURT OF CHANCERY
OF
MARYLAND.

* RINGGOLD'S CASE.

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APPEAL BONDS.—RIGHT OF APPEAL IN EQUITY.

The sureties on an appeal bond adjudged, on a petition against their acceptance, to be sufficient and the bond approved. (a)

In what cases and to what amount an appeal bond may be required, and how such bonds are examined, and rejected or approved.

The right of appeal at law and in equity and the control of the inferior Court over such right discussed. (b)

No appeal lies from a decree made by consent of the appellant. (c)

(a) Rev. Code, Art. 71, secs. 61, 62, provides that no execution upon any decree shall be stayed unless the person against whom such decree shall be passed, &c., shall, immediately upon praying an appeal, enter into bond with sufficient securities in at least double the sum recovered, &c. The clerk or Judge of the Court shall approve the bond, but no bond shall be approved nor execution stayed unless there be an affidavit that the appeal is not taken for delay. Secs. 64 and 65 of the above article provide for the determination of the sufficiency of the bond. See Rule 43 of the Supreme Bench of Baltimore City. In *Barnum v. Raborg*, 2 Md. Ch. 516, it was held that the only question, in cases where an appeal bond is objected to, is to ascertain whether the party who is successful in the inferior Court has, in the sureties in the bond, a secure indemnity for the injury he may sustain by the appeal, and whether this appears by looking to the value of each surety or by an aggregation of the worth of all is not material. The power of Courts of Chancery in Maryland to take appeal bonds, without any statutory enactment, has never been doubted. *Fullerton v. Miller*, 22 Md. 1.

(b) From what orders, &c., in equity an appeal will lie, see *Snowden v. Dorsey*, 6 H. & J. 114, note; *Thompson v. McKim*, *Ibid*, 302; *Hagthorp v. Hook*, 1 G. & J. 270.

(c) So held in *Williams v. Williams*, 7 Gill, 303; *Gable v. Williams*, 59 Md. 46. But see *Bank v. McClellan*, 1 Md. Ch. 329, *contra*, citing case in text.