*Litt. Rep.* 146; *Huling* v. *Fort*, 2 *Litt. Rep.* 194. And by thus suffering itself, in any respect, to put forth a power, beyond its appropriate sphere, it must inevitably draw to itself much business not properly belonging to it; and often take the parties by surprise with exceptions and points which had never before been thought of; or which had been, until then, purposely concealed, in order to defeat a party of his just right as authenticated by the judgment of the Court below; where all such new objections might have been readily removed, had they been then made, and the parties apprised of them at the proper stage of the controversy. *Carroll* v. *Norwood*, 4 *H. & McH.* 290; *Mahoney* v. *Ashton*, 4 *H. & McH.* 323; *Beekman* v. *Frost*, 18 *John.* 558.

* There is, however, nothing to be met with in the proceedings of this Court going to show, that the Court of **22** Appeals has, at any time, in Chancery cases, rigidly confined itself to the exceptions and points made in the Court below; and, perhaps, that Court might find it difficult to do so, unless some written evidence of the exceptions taken and points made, in this Court, were placed upon the record. And therefore it might be well to have it enacted, by the Legislature, as a general rule, in all cases of appeal from the Court of Chancery, that a party should not be allowed to take any exception, or make any point in the Court of Appeals, which he had not taken or made in writing and filed, before the hearing, in the Court of Chancery. (*g*)

It appears, that this Court has always exercised a discretionary power over the right of appeal, analogous to that exercised by the Courts of common law and in Chancery of England, so far as to prevent its abuse, it being taken frivolously, vexatiously, or for the mere purpose of delay, by refusing to grant an appeal from every order with which a party may be dissatisfied; or by refusing to stay the execution of the order or decree, but upon certain terms, or until the party had given bond with sufficient sureties, as required by the Act of Assembly in cases at common law, to prosecute his appeal with effect; (*h*) and it must also appear, that

(*g*) Some partial provisions have been made in relation to this matter by the Acts of 1825, ch. 117, s. 2; and 1832, ch. 302, s. 5.

(*h*) RAWLINGS *v.* STEWART.—This was a bill filed by a mortgagor against a mortgagee to redeem; and for an injunction to stay waste. The injunction was granted as prayed. Among the proofs is a deposition of a witness taken on the 10th of January, 1751, before the Mayor of London under the Act of 5 Geo. 2, c. 7. Upon all which the following decree was passed.

"And the said cause standing in Court ready for hearing, a day was by this Court appointed for hearing thereof, on which day, being the first day of June in the year seventeen hundred and eighty, the said cause coming on accordingly to be debated before the Chancellor of Maryland, in the presence of counsel learned on both sides, the substance of the complainant's bill, the answer of the defendant, the proofs and exhibits in the cause appearing to be to the effect herein recited and set forth; whereupon, and