Christie v. *Richardson*, 3 *T. R.* 78; *Pool* v. *Charnock*, 3 *T. R.* 79; *Kempland* v. *Macauley*, 4 *T. R.* 436. The abuse of this right of appeal still, however, continues to be so great an evil in England, that it has been recommended as proper to oblige the defendant to bring the whole debt and costs recovered into Court, as the only effectual means of preventing the practice, which too often prevails, of bringing writs of error for the mere purpose of delay. *Tidd Pra.* 1075, *note.*

* When the appellant puts in bail in error, or gives security as required, notice thereof should be given to the opposite party; and, if he does not except, the bail is allowed; but, if he does except, then better bail must be justified in a manner similar to that of justifying special bail in an original action; and if the defendant fails to put in sufficient bail in error, the plaintiff may take out execution. *Tidd Pra.* 1087. **11**

In all the States of our Union, it is believed that some statutes have been passed to prevent the abuse of this right of appeal. In Virginia, with a view to leave the right as open and as large as possible, and yet to prevent a party from resorting to it with any hope of great delay; it was made the duty of the Judges of the Court of Appeals to sit at least two hundred and fifty days, unless they should sooner despatch the business of the Court. 2 *Mun. Rep. Intro.* 17. And a statute of North Carolina has gone so far as to declare, that the party appealing shall give bond with surety to prosecute his appeal with effect; which bond shall be sent up as a part of the record; and, upon the judgment being affirmed, the Appellate Court may enter up judgment *instanter*, as well against the sureties as the principal in such bond for the amount recovered in the Court below, with costs and twelve per cent. interest. *Yarborough* v. *Giles*, 1 *Hayw.* 453; *Kinchin* v. *Brickell*, 2 *Hayw.* 49.

In Maryland, the regulation of this right of appeal, with a view to prevent its abusive exercise, seems to have been the subject of early and repeated legislation; 1642, ch. 6 & 34; 1678, ch. 8; 1692, ch. 9; 1695, ch. 19; 1699, ch. 10; 1704, ch. 32, and 1712, ch. 5; prior to the passing of the existing law upon the subject, 1713, ch. 4; by which all those English statutes in relation to the same matter, which had been adopted; *Kilt. Rep.* 88, 92, 228, 239; were virtually repealed so far as its provisions were, in any respect, incompatible with them. It would seem, that the English statute, which gave double costs on an affirmance of a judgment on a writ of error, had been adopted as a law of this State, although no instance may now be found in which such costs have been awarded; *Gale* v. *The Proprietary*, 1 *H. & J.* 343, *note; Kilt. Rep.* 92; and it is certain, that writs of enquiry, in actions of dower and ejectment, have been issued after an affirmance in error; and that judgments have been entered on such inquisitions, although such writs of enquiry may have now fallen into disuse. *Joan* v. *Shields*, 3 *H. & McH.*