

court for the county, or superior court of Baltimore city, the orphans' court shall direct the transcript of the proceedings to be transmitted to the circuit court, or superior court of Baltimore city, whose decision shall be final.

The mutual assent confers jurisdiction under this section; an absolutely full transcript need not be made out, and the original evidence may be made use of. *State v. McCarty*, 64 Md. 260.

1904, art. 5, sec. 66. 1888, art. 5, sec. 64. 1860, art. 5, sec. 45. 1836, ch. 289, sec. 1.

66. It shall be the duty of the clerk or register transmitting a record to the court appeals to mark upon the record the amount of the costs taxed against the plaintiff and defendant, respectively, to the time of the appeal.

Costs.

Ibid. sec. 67. 1888, art. 5, sec. 65. 1860, art. 29, sec. 42.

67. In appeals from the courts of equity and orphans' courts, the awarding of costs shall be in the discretion of the court of appeals.

This section applied. *Hamilton v. Schwehr*, 34 Md. 117.

Cited but not construed in *Waring v. Edmonds*, 11 Md. 433.

As to costs, see also sections 12, 14, 26, 42 and 98. As to the payment of costs in cases before justices of the peace, see sec. 95. As to the cost of records and briefs, see sec. 49, *et seq.*

Where the court of appeals orders a new trial, the lower court has power to stay further proceedings until the costs are paid—art. 75, sec. 70.

Appeals in Cases of Forfeiture of Charter.

Ibid. sec. 68. 1888, art. 5, sec. 66. Rule 20.

68. Appeals from judgments of forfeiture under sections 82 to 86 of article 23, title "Corporations," shall be taken within thirty days from the date of the judgment or determination of the court appealed from; and the transcript of the record shall be transmitted to this court within thirty days from the day of the appeal entered.*

No appeal under this section from the action of the court in overruling a demurrer; there must be a final judgment. *State v. Easton, etc., Club*, 72 Md. 299.

See art. 23, sec. 82, *et seq.*

Ibid. sec. 69. 1888, art. 5, sec. 67. Rule 21.

69. The appellant or appellants, if the defendant or defendants in the cause, upon praying such appeal, in order to stay the execution or enforcement of the judgment appealed from, shall tender and file in the cause an appeal bond, in such form and with such sureties as may be approved by the court; the penalty in such bond not to exceed, in any case, the sum of ten thousand dollars.

*As to appeals from judgments of the courts of Baltimore City or the circuit courts of the counties, in cases instituted for a review of an order or determination of the public service commission, see art. 23, sec. 459.