

the delay being caused by the appellee as well as the appellant. *Hopper v. Beck*, 83 Md. 647.

The burden of proof is on the appellant to show that the delay in transmitting the record was not his fault; failure of proof. *Maryland, etc., R. R. Co. v. Hammond*, 110 Md. 124.

If the record is not transmitted within the three months, the appeal will be dismissed. *Steiner v. Harding*, 88 Md. 343; *Horsey v. Woodward*, 124 Md. 362 (see notes to sec. 44).

A record having reached the court of appeals one day late, the appeal was dismissed under this section. *Horseman v. Furbush*, 124 Md. 582.

#### Generally.

This section referred to in construing certain provisions of the act of 1916, ch. 625, changing the time within which bills of exceptions in Baltimore city must be signed. Court may extend time for signing bills of exceptions upon petition assigning reasons; review by court of appeals. Waiver. Motion to dismiss appeal overruled. *Wegefath v. Weissner*, 132 Md. 599.

This section applies to an appeal from a judgment of a law court on issues sent from the orphans' court. *Hoppe v. Byers*, 60 Md. 395.

This section applies to an appeal from a judgment of condemnation in an attachment. *Mears v. Adreon*, 31 Md. 235.

Cited but not construed in *State v. Bowers*, 65 Md. 364.

*Cf.* secs. 36, 37 and 66 and notes; see secs. 44, 45 and notes to sec. 48.

1922, ch. 356, sec. 6A.

7. All appeals from any decisions or determinations or rulings of a court of law in cases of issues sent from the Orphans' Court to a court of law to be tried, to the Court of Appeals of this State, shall be taken within two months from the date the verdict is rendered, unless a motion for a new trial is duly filed, in which case the appeal shall be taken within two months from the date upon which such motion for a new trial is denied, overruled or dismissed; and the transcript of the record shall be transmitted to the Court of Appeals within three months from the time of the appeal taken.

An. Code, sec. 7. 1904, sec. 7. 1888, sec. 7. 1849, ch. 88, sec. 1. 1854, ch. 193, sec. 20. 1865, ch. 91. Rule 3.

8. All appeals allowed from decisions of questions arising under the insolvent law shall be taken within thirty days from the time of the decision made, and a transcript of the record shall be transmitted to the clerk of the court of appeals within sixty days from the date of the decision appealed from, but the execution or effect of any judgment, decree, decision or order so appealed from shall not be suspended or stayed, unless a bond shall be given in such penalty and condition, and with such security as the court may prescribe and approve.

An appeal lies from an order removing a trustee and dismissing the petition in insolvency. *Van Nostrand v. Carr*, 30 Md. 128. See also, *Teackle v. Crosby*, 14 Md. 22.

While the appeal must be taken within thirty days, the bond may be filed afterwards. *Willis v. Bryant*, 22 Md. 373.

An appeal, if not taken within 30 days, will be dismissed, unless the delay was due to the clerk. *Sparks' Appeal*, 18 Md. 418; *State v. Mister*, 5 Md. 16; *Glenn v. Chesapeake Bank*, 3 Md. 475.

It has not been the practice to exclude Sundays in computing time under this section. *American Tobacco Co. v. Strickland*, 88 Md. 510.

As to special hearings, see sec. 48.

As to the right of appeal in insolvency cases, see art. 47, sec. 31.