

Where in the trial of issues from the orphans' court, a verdict was rendered on August 23rd, and no appeal was taken until December 2nd, such appeal is too late. *Bradley v. Bradley*, 123 Md. 509.

This section referred to in construing sec. 45. See notes thereto. *Luray v. State*, 157 Md. 640.

Extension of time for signing of bills of exceptions, after hearing, held not to be arbitrary exercise of discretion so as to require appeal to be dismissed. *Christian v. Construction Co.*, 161 Md. 87.

Time of transmitting record.

An appeal must be dismissed if the record is not transmitted in time, subject only to the exception set out in sec. 45; so also as to appeals in equity. No sufficient excuse for delay. *Marx v. Remecke*, 142 Md. 343; *Presstman v. Fine*, 162 Md. 136; *Williams Realty Co. v. Robey*, 175 Md. 534.

Appeal dismissed because the record was not transmitted in time. Desire of counsel to inspect transcript and mistake as to the time remaining for transmission of record, and his being engaged in performing patriotic service, not sufficient reasons for delay. *Castelberg v. Hamburger*, 133 Md. 45.

Where by agreement of parties the signing of a bill of exceptions is postponed so that the record cannot be transmitted in time, the appeal will not be dismissed, 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 records was not his fault; failure of proof. *Maryland, etc., R. R. Co. v. Hammond*, 110 Md. 124; *Brill v. State*, 144 Md. 69; *Price v. State*, 160 Md. 671.

If the record is not transmitted within the three months, the appeal will be dismissed. *Steiner v. Harding*, 88 Md. 343; *Horsev. Woodward*, 124 Md. 362 (see notes to sec. 45).

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

Cited but not construed in *Lee v. State*, 163 Md. 60.

Cited but not construed in *Balto. Paint Works v. Parts Co.*, 173 Md. 213.

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. 45, 46 and notes to sec. 49.

An. Code, 1924, sec. 7. 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.

Appeal dismissed for failure to comply with act 1916, ch. 625, applicable to Baltimore City. *Bastable v. Bastable*, 144 Md. 214.

An. Code, 1924, sec. 8. 1912, 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