

ACTS OF ASSEMBLY—*Continued.*

- 1842, ch. 229. Regulating Chancery Practice in certain cases, 343.
 1845, ch. 176, sec. 4. Mechanics' Lien, 189.
 1845, ch. 352. Limiting Defences in Usury, 66, 450.
 1845, ch. 367. Right of Appeal, 324.

ADMISSIONS.

See PLEADING.

PRACTICE IN CHANCERY, 31.

AGENT.

1. The authority of an agent to make an agreement for his principal need not be in writing. *Small vs. Owings*, 363.
2. A vote or resolution of a Corporation, appointing an agent, need not be entered on the minutes, but may be inferred from the permission or acceptance of his services. *Elysville Manf. Co. vs. Okisko Co.*, 392.
3. The president of one corporation subscribed for stock in another corporation. The certificate for the stock was received by the agent of the former, and retained by it, and the stock on two occasions was voted by an officer or member of the former corporation. HELD—That from these facts the authority to the president to make the subscription might be presumed. *Ib.*

AMENDMENT.

See PRACTICE IN CHANCERY, 5.

ANSWER.

See EXCEPTIONS TO ANSWER, 1 to 3.
 EVIDENCE, 1, 2.

ANSWER FOUNDED ON HEARSAY.

See INJUNCTION, 8, 9.

PRACTICE IN CHANCERY, 11.

APPEAL.

1. An appeal and a bond to prosecute the appeal will not, under the act of 1845, ch. 367, independently of the direction of the court, delay the execution of the order appealed from. *Williams vs. Savage Manufacturing Co.*, 307.
2. Whether such direction shall or shall not be given, is referred by the legislature to the sound discretion of the court upon a view of all the circumstances of the case. *Ib.*
3. An appeal will lie from every decision which settles a question of right between the parties, no matter whether the decision was adverse or by consent or default. *Chesapeake Bank vs. McLellan*, 328.
4. The right to appeal for the mere purpose of delay seems to be recognized by the act of 1832, ch. 230, which directs the appellate court to award damages in such cases, over and above the interest allowed by law on the judgment. *Ib.*
5. Whether an appeal will lie or not in any given case, is for the appellate court, and not for this court, to decide; it being a question relating to the jurisdiction of the superior tribunal, and, therefore, for it alone to determine. *Ib.*

See PRACTICE IN CHANCERY, 42.