

Case No. 3,785.

DENEALE v. YOUNG.

[2 Cranch, C. C. 200.]<sup>1</sup>

Circuit Court, District of Columbia.

April, 1820.

APPEAL FROM ORPHANS' COURT—SECURITY FOR COSTS.

An executrix has a right to appeal from a sentence of the orphans' court, to this court, without giving security to prosecute the appeal with effect; and this court will grant a mandamus accordingly.

On the motion of Mary Deneale, executrix of the will of George Deneale, a rule was granted her against Robert Young, Esq., the judge of the orphans' court, to show cause why a mandamus should not issue commanding him to allow her appeal to this court from the judgment pronounced by him on the petition of John Stump's agent, without requiring from her the performance of the conditions annexed by him to his order for allowing the said appeal; which conditions were the paying the costs which had accrued, and giving bond and security (pending the appeal,) in the sum of \$15,000, to prosecute her appeal with effect

Mr. Mason, for the executrix.

Mr. Swann, for the judge.

THE COURT (nem. con.) made the rule absolute and issued the mandamus.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]