

Within what
time appeal to
be taken
Provisos.

ants in such appeal; *provided*, that if the court of appeals shall affirm the judgment of the court below, they shall not award costs of the appeal against any one except the person or persons that shall have appealed; *provided*, such appeal be taken within nine months from the time of making such decree or order, and not afterwards, unless it shall be alleged on oath that such order was obtained by fraud or mistake.

In force from February 19, 1864.

1861, c. 33 repeals section 26 and enacts as follows :

1861, c. 33.
What may be
reviewed on ap-
peal.

26. On an appeal from a court of equity, no objection to the competency of a witness, or the admissibility of evidence, or to the sufficiency of the averments of the bill or petition, or to any account stated and reported in said cause, shall be made in the court of appeals, unless it shall appear by the record that such objection has been made by exceptions, filed in the court from which such appeal shall have been taken.

In force from June 10, 1861.

PROVISIONS RELATING TO APPEALS FROM COURTS OF LAW OR EQUITY.

1864, c. 322 amends sections 30 and 32, as follows :

1864, c. 322.
Dismissal of
appeals.

30. No appeals shall be dismissed because a copy of the record shall not have been transmitted within the time required by law, if it shall appear to the court of appeals, that such delay was occasioned by the neglect or omission of the clerk, but if the clerk shall have prepared the records as required by law, and the appellant or plaintiff in error shall have neglected or omitted to pay for such record or by any other neglect or omission on the part of the appellant or plaintiff in error, the said record shall not be sent to the court of appeals within nine