

CHAP. LXIX.

CHAP. 69.

An Act relative to the jurisdiction of the Court of Appeals. Lib. JG. No. 3, fol. 464.

Passed Dec. 19.

Preamble.

WHEREAS the authority and jurisdiction of the court of appeals has never been defined or ascertained, and doubts have been entertained respecting its authority to pass such judgment on a writ of error or appeal as ought to have been given in the court below, and to enforce such judgment by execution,

Court of appeals in certain cases, to give judgment, &c.

2. BE IT ENACTED, by the General Assembly of Maryland, That the court of appeals have, and shall hereafter have, full power and authority, on reversing any judgment, or part of a judgment, at law, on a writ of error or appeal brought by a plaintiff, to give such judgment as ought to have been given by the court which gave the erroneous judgment; and in any case where the said court of appeals, on a writ of error or appeal as aforesaid, hath given or shall give such judgment as in their opinion the said court of law ought to have given, the said court of appeals shall have full power and authority to enforce their judgment by execution, in the same manner as the said court of law may enforce a judgment there given.

3. AND BE IT FURTHER ENACTED, That hereafter any execution which shall issue from the court of appeals shall express that it be returnable to general court of western or eastern shore, as the case may require; and the judges of the said general court shall be and they are hereby authorised and empowered to act upon the said return as if the execution had issued from the said general court.

Execution to express that it be returnable to general court.

See the acts of 1804, ch. 55, and 1805, ch. 16, abolishing the then court of appeals and general court See also 1805, ch. 10, and ch. 65.

CHAP. LXX.

An Act for the direction of Surveyors in executing Warrants of Escheat in certain cases. Lib. JG. No. 3, fol. 464. Passed Dec. 19.

WHEREAS under the existing rules and regulations for the conduct of surveyors difficulties have occurred in executing warrants of escheat; for remedy whereof,

Preamble.

2. BE IT ENACTED, by the General Assembly of Maryland, That in cases where warrants of escheat shall be hereafter delivered to the surveyor of any county to execute, in order to survey lands held in tenancy in common, and the part only of one or more of the said tenants in common hath become liable to escheat, it shall be the duty of the said surveyor, and he is hereby directed and required, to cause to whole of the said land so held in tenancy in common to be surveyed, and a certificate thereof returned unto the land office, specifying the value of the whole tract of land, and improvements thereon, and after examination of the said certificate, and payment to the treasurer of the western or eastern shore, (as the case may be,) of two thirds of the valuation of the escheatable part of the land therein expressed, a patent shall issue in due time to the party in whose name the said certificate may be returned, or his heirs or assigns, for the undivided portion of the land that may be liable to escheat as aforesaid.

Whole of the land held in tenancy in common to be surveyed.