

the full proceedings of the said Court from whence such Appeals shall be made, or against whose Judgment the Writt of Error shall be brought, as aforesaid, under the Hand of the Clerk of the said Court, and Seal thereof, and shall cause the same to be transmitted to the Court before whom such Appeal or Writt of Error is or ought to be heard, tryed and determined, as aforesaid, and also in the same Court file, in Writing, according to the Rule of the same Court, such Error in the Proceedings as the Plaintiff in the Writ of Error shall think fit to Assign, or such Causes or Reasons as he or they had for making the said Appeal, or suing out such Writt of Error, as aforesaid, upon which Transcript the said Court to whom such Appeal shall be made, or before whom such Writt of Error shall be brought, as aforesaid, shall proceed to give Judgment.

A transcript to be procured under the Clerk's Hand and Seal of the Court.

and Errors to be filed.

And be it further Enacted by the Authority, Advice and Consent aforesaid, That all Appeals made in manner aforesaid, shall be admitted and allowed by the Superior Courts, to whom such Appeal shall be made, as aforesaid, in Nature of a Writt of Error, and that every Clerk of a Court, shall, at the time of the sitting of any Court, to which they respectively belong, and when any Appeal shall be demanded, to enter a Memorandum of such Demand, as well in his or their Courts Proceedings, as in the fair Records of the Proceedings of such Court, and that no Clerk of a Court do refuse or delay upon Request of any Appellant, as aforesaid, to write and make out a Transcript of the whole proceedings aforesaid, under his Hand and the Seal of the Court, as aforesaid, upon Penalty to pay the respective Damages which such Appellant shall sustain by such Refusal or Delay. as aforesaid, the said party paying, or securing to be paid, such respective Clerk his just Fees for the same, according to Law.

Manner of entering Appeals.

And be it further Enacted by the Authority, Advice and Consent aforesaid, That all Appeals or Writs of Error already made and brought or hereafter to be made or brought before the Governour and Council, shall and may be heard by the said Governour and Council out of Assembly Time, any thing in the same Writt or any other former Law or Practice to the Contrary notwithstanding.

High Court of Appeals.

And for that it may so happen that the Governour of this Province for the time being, may hereafter be concerned in an Appeal made, or Writt of Error brought from the Judgment of the Provincial Court, to the Governour and Council aforesaid, or be otherwise Indisposed or Absent.

In Case the Governour be absent or a party.

Be it therefore enacted by the Authority, Advice and Consent aforesaid, That it shall and may be Sufficient in every such case, for the Council only to hear and determine such Matters of Controversy, whereof the first of the Council in Commission, being then present, shall preside, whose Judgment thereupon shall be Definitive, in as full and ample manner as if the said Governour were then actually present and presiding, any thing in this act to the Contrary notwithstanding.

The Council only may determine.

And be it further Enacted by Authority, Advice and Consent aforesaid, That an Act of Assembly of this Province, entituled, An Act for Regulating Writs of Error and granting Appeals from and to the Courts of Common Law within this Province, made at a Sessions of Assembly begun and held at the City of Annapolis the Twenty Eighth Day of October, and ended November the Fifteenth, in the Eleventh Year of the Reign of our Sovereign Lady Queen Anne, Anno Domini Seventeen Hundred and Twelve, is hereby utterly Repealed and made void, any thing in the said Act to the contrary notwithstanding.

A former Act Repealed.