

ing, and to rule hearing, or to continue the actions, process, and proceedings, in the said court depending, and to adjourn the said court until the day appointed by law for the holding the next court.—*June*. 1780, c. 11. §. 4.

6. The judges of the court of appeals, shall receive the annual salary of 200l. current money each, to be paid quarterly out of the supplies raised every year.—1785, c. 27, §. 2, 3. See below, art. 11.

7. In all cases of appeals prosecuted, or writs of error brought, before the court of appeals by the plaintiff upon a bill or bills of exception taken by the plaintiff, and the judgment excepted to shall be reversed, and it shall appear to the court proper and necessary that the fact should be tried under such judgment and direction as to them appears legal, it shall be lawful for such court to issue a venire to the sheriffs of Anne Arundel, Prince George's, and Baltimore counties, respectively returnable at the next court, to summon and cause to come before them six good and lawful men of their respective counties, to try the facts in such cause, and the twelve of such jurors to try the facts shall be elected by ballot under the direction of the said court, and there shall be such remedy against the sheriffs aforesaid to compel obedience to the process, and such process to compel the jurors so summoned to attend, and such fine for non-attendance, as in case of process issued from and jurors summoned to attend the general court, and the said court of appeals shall have the same power to issue tales in case a sufficient number of the jurors so summoned do not appear to try the facts in the case as the general court hath; and the facts shall be tried before the court of appeals, and such judgment given by the court as shall appear legal, and execution shall and may issue from the court of appeals upon such judgment, and shall be served and returned, in all cases, in the same manner, and to the same purposes and effects, as executions upon judgments of the general court in similar cases.—1785. c. 80. §. 5.

8. In all cases of appeals or writs of error, hereafter brought or prosecuted by any defendant or person aggrieved by any judgment, and the judgment of the inferior court; upon the merits of the question between the parties, and not upon the form of proceeding, be reversed, the court reversing such judgment shall award costs incurred by the defendant, or person aggrieved by such judgment, both in the superior or inferior courts, to be paid by the plaintiff or person against whom such writ of error and appeal shall be prosecuted, and judgment shall be entered in the court determining such appeal, &c. for the costs aforesaid, and execution may issue for the same from such court.—*ibid.* §. 6.

9. The court of appeals shall be held on the second Tuesday in the month of June next, and the said court, for ever thereafter, shall be held on the second Tuesday in the months of June and November.—1789.—c. 40. §. 2.