

## APPEALS.

The clerks directed to enter a memorandum of the demand of an appeal, and a penalty, inflicted on their refusal or delay to make out the transcript, on the party paying or securing their legal fees. *Ibid.*

On appeals, or writs of error, brought to the court of appeals by the plaintiff, on a bill or bills of exceptions, where the judgment shall be reversed, the transcript shall be returned, with a writ of *procedendo*, to the judges of the general court, directing them to proceed to a new trial. 1790, ch. 43, § 1.

If the appeal is for several exceptions, the court of appeals shall give judgment on every exception. *Ibid.*

The opinion of the court of appeals shall be conclusive in law as to the question by them decided. *Ibid.*

Directions for trying the said actions in the general court. *Ibid.*

The appellee, on such reversal, may be compelled to pay the costs in the court of appeals, by execution issued therefrom, returnable thereto, or to the general court. *Ibid.*

All costs in the general court to abide the final event of the action. *Ibid.*

On appeals, &c. brought to the general court by the plaintiff, on a bill or bills of exception, where the judgment shall be reversed, the said court may retain the action, and try it the same court, or continue it as other actions, or they may direct the transcript to be returned, with a writ of *procedendo*, to the county court, directing them to proceed to a new trial. *Ibid.* § 2.

If the appeal is for several exceptions, the court shall give judgment on every exception. *Ibid.*

The opinion of the general court shall be conclusive in law as to the question by them decided. *Ibid.*

Directions for trying the said actions in the county court. *Ibid.*

The appellee, on such reversal, may be compelled to pay the costs in the general court by execution issued therefrom, returnable thereto, or to the county court. *Ibid.*

All costs in the county court to abide the final event of the action. *Ibid.*

Nothing herein contained shall prevent the party from appealing or prosecuting a writ of error to the court of appeals. *Ibid.*

On appeals or writs of error, brought to the court of appeals by the defendant on a bill or bills of exception, where the judgment shall be reversed, if it shall clearly appear to the said court that a new trial is necessary, the transcript shall be returned, with a writ of *procedendo*, to the judges of the general court, directing them to proceed to a new trial. *Ibid.* § 3.

Further directions given, as in appeals by plaintiffs. *Ibid.*

On appeals, &c. brought to the general court by the defendant on a bill or bills of exception, where the judgment shall be reversed, if it shall clearly appear to the said court that a new trial is necessary, they may retain the action, and try it the same court, or continue it as other actions, or they may direct the transcript to be returned, with a writ of *procedendo*, to the county court, directing them to proceed to a new trial. *Ibid.* § 4.

Further directions given, as in appeals by plaintiffs. *Ibid.*

Directions respecting costs in appeals where the judgment is reversed on the merits of the question. 1785, ch. 80, § 6.

Persons aggrieved by the determination of any magistrate in cases exceeding 20/ or 100 lbs. of tobacco, may appeal to the next county court. 1791, ch. 68, § 4.

Mode of proceeding therein. *Ibid.*

Such appeal not to stay execution, unless bond, with security, is given as therein prescribed. *Ibid.* § 5.

Persons aggrieved by the decree of the county court exercising an original equity jurisdiction, may, (when the sum exceeds

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£ 100 or 3000 lbs. of tobacco,) appeal to the chancery court in the same manner as from that court to the court of appeals. *Ibid.* ch. 78, § 4.

Either party aggrieved by the decision of the orphans court, relative to the probat of a will or codicil respecting personal property, or appointing an executor, may appeal within three days to the chancery or general court. 1798, No. 101, ch. 2, § 11.

Such appeal shall stay further proceedings, provided a copy is filed in such appellate court within sixty days thereafter. *Ibid.*

The decree of the chancery or general court, to be given on the transcript only, shall be final and conclusive, and the orphans court shall proceed according thereto. *Ibid.*

Persons aggrieved by any judgment, decree, decision or order, of the orphans court, may appeal to the court of chancery, or the general court. *Ibid.* ch. 15, § 18.

If such judgment, &c. is on a summary proceeding, and the testimony of witnesses, the party shall not appeal, unless he shall immediately notify his intention, and request that the testimony be reduced to writing. *Ibid.*

The depositions shall be reduced to writing at the costs of such party in the first instance. *Ibid.*

A transcript of the proceedings relating thereto shall be made and certified under seal by the register, and transmitted to the appellate court by the party within thirty days from the decision, &c. or the party shall lose the privilege of appeal. *Ibid.*

If the decision is in a summary way, and on papers filed in the court, no party shall appeal, unless he enter the same within three days, and transmit a certified copy of the proceedings within thirty days. *Ibid.*

If there have been plenary proceedings, (as therein directed,) either party may appeal, by entering the same as aforesaid, and transmitting a certified copy within sixty days from the decree, &c. *Ibid.*

Not to affect the case of appeal by the said act before specially provided for. *Ibid.*

The appeal shall stand for hearing, &c. in the appellate court at the term next succeeding the transmission. *Ibid.*

The said court shall either affirm the decree, &c. or direct in what manner it shall be changed or amended, and the decision of such appellate court shall be final and conclusive. *Ibid.*

When such decision shall be certified under the seal of the register or clerk, and transmitted, the orphans court shall proceed according thereto. *Ibid.*

An appeal from the orphans court shall not stay any proceedings therein which may with propriety be carried on before the appeal is decided, provided the said orphans court can provide for conforming to the decision of the court above, whether the said decision may eventually be for or against the appellant. *Ibid.* § 19.

No executor or administrator shall be obliged to discharge any claim of which vouchers and proofs shall be exhibited, (as therein before directed,) but may reject, and at law dispute the same, in case he shall have reason to believe that the deceased never owed the debt, or had discharged the same, or a part thereof, or had a claim in bar; but every executor or administrator shall be obliged to discharge the same, or pay a just proportionable part thereof, if passed by the orphans court granting his letters, unless he shall appeal from the decision of the court in the manner hereafter directed. *Ibid.* ch. 9, § 13.

On appeal from the decision of the general court, as to the validity of any marriage, the depositions, and evidence in the cause shall be transmitted with the record to the court of appeals, and thereupon such cause shall be heard, determined and adjudged, *de novo*. February, 1777, ch. 12, § 15.