CHAPTER XX.

OF APPEALS.

1. Every person against whom any judgment is rendered shall, after a court of appeals has been provided by law, be entitled to appeal from any decision or opinion of any court, except such court of appeals.

2. There shall be no appeal from any verdict of a jury, in any question of mere fact, except to the court in which the case was tried, for the purpose of setting aside the verdict in the manner herein before provided for.

3. It shall be the duty of the party, who intends to appeal from any opinion or decision of a court, which does not appear upon the face of the ordinary proceedings in the case, to cause such opinions or decision, with the evidence and prayer or motion upon which it is founded, to be reduced into writing and signed by the judge or judges on the day on which such opinion or decision is pronounced.

4. The writing required by the last section shall be called a bill of exceptions, and shall be annexed to the ordinary record, and considered as a part of it.

5. It shall be the duty of the clerk of the court from which an appeal is taken, to make up a record containing all the writs, returns, complaints, answers, replies, verdicts, bills of exceptions, judgments, and other proceedings in the cause, and to transmit such record to the court to which the appeal is taken.

6. Every appeal must be taken within sixty days after final judgment.

7. Every party taking an appeal shall be called 'appellant,' and the party against whom it is taken 'appellee.'

8. Every appellant must give security, to be approved by the court, that he will indemnify the appellee from all injury arising from the appeal, and will comply with the judgment of the court to which the appeal is taken, or any other to which the cause may be removed, or his appeal shall be dismissed.

9. An action of contract shall lie against the sureties so given, in which the measure of damages shall be the final judgment in the original cause, and interest or other damages arising from delay, to be computed as the appellate court may direct.

10. The court to which the appeal may be taken shall examine

the matter in dispute, upon the record only; they shall receive no additional evidence, and they shall reverse no judgment for any default of form, or for any matter to which the attention of the court below shall not appear to have been called, either by some bill of exceptions, or other part of the record.

11. It shall be the duty of every court to which an appeal is taken, if the judgment of the first court is reversed, to give such judgment as that court ought to have given, and to ascertain the costs incurred since the first judgment, and to give judgment for them also.

12. When any superior or appellate court shall reverse any final judgment, and it shall appear to them upon the record that the plaintiff, or the defendant in replevin, in a case where the goods replevied are in the possession of the defendant, is entitled to recover, and it shall not appear by the record, what sum such party ought to recover, they may proceed to give an imperfect judgment in favour of such party, and, by consent of parties, ascertain what ought to be the final judgment, and render such judgment; or if the parties will not consent to such ascertainment, shall order an ascertainment by a jury, at the bar of the court below, of the amount of the debt or damages, or the value of the property replevied, as the case may be, and direct such inferior court to give final judgment upon such inquiry. If the action be brought to recover a liquidated sum, ascertained by an instrument of writing, signed by the party against whom the imperfect judgment is given, or if the case be one in which the court below might have ascertained the damages without a jury, such superior or appellate court may assess the debt or damages, and give final judgment without the consent of parties.

13. Where it does not appear to the appellate court, by the record, on account of the mixture of questions of law and fact, for which party the judgment ought to be given, it shall be the duty of such superior or appellate court, to remand the case to the court in which it was originally tried, to be tried over again.

14. The third, fourth, fifth, twelfth and thirteenth sections of this chapter, shall not be construed to apply to appeals from the decisions of justices of the peace.

Maryland Historical Society

The Maryland State Colonization Society Papers

XIII. Colonization Pamphlets

1. The Declaration of Rights,
The Constitution of the
State of Md. in Liberia
(rough draft, engrossed copy, printed copy)