

been, or shall stand allowed, shall not cause the appeal to abate, but it may be continued as hereinafter mentioned.

of appellant
after security
given.

XI. The death of the respondent shall not cause the appeal to abate, but it may be continued as hereinafter mentioned.

Nor by death
of respondent.

XII. The marriage of a woman appellant or respondent, shall not abate the appeal, but the proceedings in error and appeal shall go on as if no such marriage had taken place, and the decision of the Court shall be certified as in other cases.

Nor by mar-
riage of female
party.

And as to appeals from the Court of Queen's Bench and Common Pleas; Be it enacted as follows:

Appeals from
Q. B. & C. P.

XIII. An appeal shall lie upon a Judgment upon a special case in the same manner as upon a Judgment upon a special verdict, unless the parties agree to the contrary; and the proceedings for bringing a special case before the Court of Error and Appeal shall, as nearly as possible, be the same as in the case of a special verdict, and the Court of Error and Appeal are required to draw any inferences of fact from the facts stated in such special case, which the Court where it was originally decided ought to have drawn.

Appeal to lie
from judgment
on special
case, unless,
&c.

Proceedings.

XIV. An appeal shall lie in all cases of rules to enter a verdict or non-suit upon a point reserved at the trial, if the rule to shew cause be refused, or if granted, be afterwards discharged or made absolute.

And on rules
to enter ver-
dict, &c., on
point reserved.

XV. In all cases of motion for a new trial upon the ground that the Judge has not ruled according to law, if the rule to shew cause be refused, or if granted, be afterwards discharged or made absolute, the party decided against may appeal, provided any one of the Judges dissent from the rule being refused, or when granted, being discharged or made absolute, as the case may be, or provided the Court in its discretion think fit that an appeal should be allowed; provided that where the application for a new trial is upon matter of discretion only, as on the ground that the verdict was against the weight of evidence or otherwise, no appeal shall be allowed.

And on rules
for new trial
on certain
grounds.

Provided one
Judge dissents
or Court al-
lows appeal.

Not to lie in
certain cases.

XVI. No appeal shall be allowed in either of the cases mentioned in the three next preceding sections, unless notice thereof be given in writing to the opposite party or his Attorney and to the Clerk of the Crown of the proper Court, within fourteen days after the decision complained of, or within such further time as may be allowed by the Court or a Judge.

Notice of ap-
peal to be
given, and to
whom and
where.

XVII. An appeal shall lie in ejectment in the same manner and to the same extent as in any other case.

Appeal in
ejectment.