

CHAPTER 13.

THE APPEAL: ITS PURPOSE.

Since a trial judgment, won after a fair fight bringing out the truth of the issue under the pleadings, is a barren victory to him who can realize nothing on that judgment, it often becomes even worse than a mere barren victory, through the perils and uncertainties of the appeal. On the other hand, a trial judgment does not exactly sound the death-knell to the honest suitor who may have met defeat. He sees hope, often a bright prospect of fair play, by way of appeal.

The purpose of the appeal is fair play and legal rights to the honest litigant against whom the trial judgment has been pronounced or the verdict at the trial has been returned. The appeal is of course an *essential* in the administration of justice. A trial without the right of appeal is tyranny, except in those cases which by