

Magistrates are not to have jurisdiction over an assault with intent to commit a rape, by 1835, ch. 397.

SEC. 3. *And be it enacted*, That in all cases whatsoever within the jurisdiction or cognizance of the said district court, whenever either party shall think himself aggrieved by the judgment thereof, he shall be at liberty to appeal to the next county court, in case the said judgment shall be rendered within ten days before the next sitting of the said county court, to the next or second term thereafter; *Provided*, such appeal be taken within sixty days after the rendition of such judgment, but no such appeal shall operate as a stay of execution or supersedeas of any judgment, unless upon bond and security being given and approved by any one of the said district justices in the same manner and form as heretofore used and practised in cases of appeal from judgment of a single justice of the peace, and the judges of the said county court shall hear and determine the same as heretofore used and practised in cases of appeal from the judgment of a single justice of the peace, and all such cases of appeal shall be tried by the said county court *de novo*, and each party shall have a right to a trial by jury, and it shall be the duty of the district justices, in all cases of appeal as aforesaid, to transmit all the papers and proceedings relative to the case, to the clerk of the county court, on or before the first day of the term of said county court next ensuing, under a penalty of twenty dollars for every neglect or refusal so to do, which sum shall be collected in the same manner as fines and forfeitures are now collected, and paid over to the appellant.

Right of appeal.

Within 60 days.

Appeal bond required.

Appeal cases tried *de novo*.

Papers transmitted.

Penalty for neglect.

By 1836, ch. 305, in all cases tried before a single justice, either party may appeal to the magistrates' court.

SEC. 4. *And be it enacted*, That the judges of the several county courts within this state, shall not hold plea in the said courts, of any case within the jurisdiction given to the said district courts by this act, and if any plaintiff brings such action in the county court, and the verdict of the jury is for a sum not exceeding the sum herein before limited and prescribed for the extent of the jurisdiction of the said district court, in the several actions herein respectively specified, judgment shall in such case be given for the defendant, with costs, and if any person sue another before a district court, out of the election district wherein such defendant resides, provided he resides in the state of Maryland, the person so sued may plead his non-residence in the district wherein he is so sued, in a summary way, before the said district court where he is sued, and such court on proof of the plea, shall give judgment for such defendant, with costs; *Provided nevertheless*, that such defendant shall, in such case of a verdict in the county court, deduct the amount of such verdict from the amount of his costs, if his costs exceed the

County court; jurisdiction restricted.

Case of suit therein. Plea allowed.

Judgment directed.

Non-residence.

Proviso.