

By: Representative Watson

To: Judiciary A

HOUSE BILL NO. 1207

1 AN ACT TO AMEND SECTION 11-51-79, MISSISSIPPI CODE OF 1972,
2 TO CONFORM THE TIME FOR APPEAL FROM COUNTY COURT TO CIRCUIT COURT
3 TO THE UNIFORM RULES OF CIRCUIT AND COUNTY COURT; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 11-51-79, Mississippi Code of 1972, is
7 amended as follows:

8 11-51-79. No appeals or certiorari shall be taken from any
9 interlocutory order of the county court, but if any matter or
10 cause be unreasonably delayed of final judgment therein, it shall
11 be good cause for an order of transfer to the circuit or chancery
12 court upon application therefor to the circuit judge or
13 chancellor. Appeals from the law side of the county court shall
14 be made to the circuit court, and those from the equity side to
15 the chancery court on application made therefor and bond given
16 according to law, except as hereinafter provided. Such appeal
17 shall operate as a supersedeas only when such would be applicable
18 in the case of appeals to the Supreme Court. Appeals should be
19 considered solely upon the record as made in the county court and
20 may be heard by the appellate court in termtime or in vacation.
21 If no prejudicial error be found, the matter shall be affirmed and
22 judgment or decree entered in the same manner and against the like
23 parties and with like penalties as is provided in affirmances in
24 the Supreme Court. If prejudicial error be found, the court shall
25 reverse and shall enter judgment or decree in the manner and
26 against like parties and with like penalties as is provided in
27 reversals in the Supreme Court; provided, that if a new trial is

28 granted the cause shall be remanded to the docket of such circuit
29 or chancery court and a new trial be had therein de novo. Appeals
30 from the county court shall be taken and bond given within thirty
31 (30) days from the date of the entry of the final judgment or
32 decree on the minutes of the court; provided, however, that the
33 county judge may within said thirty (30) days, for good cause
34 shown by affidavit, extend the time, but in no case exceeding
35 sixty (60) days from the date of the said final judgment or
36 decree. Judgments or decrees of affirmance, except as otherwise
37 hereinafter provided, may be appealed to the Supreme Court under
38 the same rules and regulations and under the same penalties, in
39 case of affirmance, as appertain to appeals from other final
40 judgments or decrees of said courts, but when on appeal from the
41 county court a case has been reversed by the circuit or chancery
42 court there shall be no appeal to the Supreme Court until final
43 judgment or decree in the court to which it has been appealed.
44 When the result of an appeal in the Supreme Court shall be a
45 reversal of the lower court and in all material particulars in
46 effect an affirmance of the judgment or decree of the county
47 court, the mandate may go directly to the county court, otherwise
48 to the proper lower court. Provided, however, that when appeals
49 are taken in felony cases which have been transferred from the
50 circuit court to the county court for trial, and have been there
51 tried, such appeals from the judgment of the county court shall be
52 taken directly to the Supreme Court.

53 SECTION 2. This act shall take effect and be in force from
54 and after July 1, 2001.