

lowed on the said appeal, and the said costs shall be levied by the same means, and in the same manner in which the judgment of the judge or judges below, or of the court below, is carried into effect according to law :

Provision if the judgment be modified or set aside.

But if, on the other hand, the said judgment be modified or set aside, in whole or in part, the record and procedure on the judgment appealed from, and any procedure upon the appeal, shall remain to form part of the records of the circuit court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the judgment of the said court shall be carried into effect, and this by the same means and in the same manner as the judgment appealed from would itself have been carried into effect ; 22 V. c. 101, s. 20, par. 10.

Provision in case of failure to prosecute appeal.

11. Any appellant who neglects to cause a copy of the said petition to be served as aforesaid, or who, having caused it to be served, fails effectually to prosecute the said appeal, shall be deemed to have abandoned the said appeal,—and upon application of the respondent, the circuit court shall declare forfeited all the rights and claims founded on the said appeal, and shall allow costs to the respondent, and shall order that the record, (if it has been transmitted,) be sent back to the court or judge below ;—and if the record has not been transmitted, then, upon production of the copy of the petition served upon the respondent, the said respondent shall obtain such costs as the court may adjudge ; 22 V. c. 101, s. 20, par. 11.

Recourse against sureties.

12. The execution of the judgment against the party condemned shall not deprive the party who has succeeded, of his recourse against the sureties for the whole or any part of the costs of the appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal party ; 22 V. c. 101, s. 20, par. 12.

No *certiorari* to be issued in cases appealable under this Act.

13. No judgment rendered in virtue of this chapter, shall be set aside by any other means than the appeal above prescribed, and no writ of *certiorari* shall be issued and no judgment set aside upon a writ of *certiorari* ; 22 V. c. 101, s. 20 par. 16.

#### OATHS.

By whom to be administered.

75. Any oath required by this Act may be made before any warden or mayor, or justice of the peace : 18 V. c. 100, 40 s. 78, par. 1.

Persons administering it to give certificate of its

2. Any person before whom any oath may be made under this Act, is empowered and required to administer such oath, without payment, whenever called upon to do so, and to