

Proviso:
Sureties to
justify.

or by some other person, and two sureties to be approved by the said Clerk, in the sum of two hundred dollars,—conditioned to prosecute the appeal with effect and without delay and to pay all costs as well of the proceedings in the said Division Court as of the said appeal, in the event of the appellant not succeeding in the said appeal;—And provided also, that the said bond be accompanied by an affidavit of justification by such sureties, and an affidavit of the due taking thereof by a subscribing witness to the execution of the said bond. 5

What ques-
tion shall be
tried on such
appeal, and
how.

3. The question to be tried on the said appeal shall be the right of the claimant or claimants to the property seized or attached as against the plaintiff or plaintiffs in the execution or executions, attachment or attachments, and it shall be tried before a jury without formal pleadings, in the manner in which interpleader issues are now tried in the County Court; and it shall be the duty of the party or parties appellant to prepare an issue embodying such question, and a statement of the goods or property claimed, and to file the same in the office of the Clerk of the County Court of the County in which such issue is to be tried, within fifteen days after the decision or verdict appealed from is made or rendered,—and to give notice thereof to the Clerk of the Division Court in which such decision or verdict was made or rendered; and in case the party or parties in whose favor such decision or verdict has been made or rendered, shall not object to such issue and give notice of such objections to the said Clerk within five days next after the expiration of the last day allowed to the appellant to file such issue, the issue so filed shall be tried by a jury of the County at the next sitting of the County Court for the trial of causes which shall happen not sooner than twenty-four days next after the decision or verdict appealed from shall have been given or rendered; Provided always, that it shall be lawful for the Judge of the County Court in which such issue is to be tried, to enlarge the time for the trial thereof, upon cause shown by either party as in ordinary cases. 10 15 20 25 30

When and
where the
trial shall be
had.

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What verdict
may be
rendered.

4. The jury before whom the said issue is tried may render a general verdict in favor of the appellants or respondents, and for the whole of the goods and chattels or personal property seized or attached, or in favor of one or more appellant or appellants, respondent or respondents and against the other or others of them, or in favor of one or more as to some portion of the goods or property, and of the others as to other portion or portions. 35

Costs;—how
taxed,
allowed and
recovered.

5. Wherever the jury shall render a general verdict in favor of the appellant or respondent, or for the whole of the property seized or attached, the successful party shall be entitled to his costs; and in case of the verdict being apportioned, the costs shall be in the discretion of the Judge of the Court before whom the issue is tried, who shall make an order on the back of the issue directing by whom the costs shall be paid; and such costs shall, after taxation by the Clerk of the County Court in accordance with the tariff of fees, or practice in interpleader issues,—be recovered by execution to be issued out of the County Court as upon a judgment in ordinary cases;—and in case the appellant shall be directed to pay the costs, the respondent shall or may in his option proceed to recover such costs by execution as aforesaid, or by action on the bond given as security aforesaid. 40 45 50

Who shall be
made parties
to the issue.

6. All parties giving notice of their intention to appeal shall be made appellants in one issue, and all parties in whose favor the decision or verdict appealed from has been given or rendered shall be made respondents, and shall be answerable for costs according to the 55