

attorney *ad litem* in the Circuit Court, within twenty-five days from the rendering of the judgment appealed from.

Petition and Notice, &c., to be filed in Circuit Court.

LXV. Within the same delay of twenty-five days after the rendering of the judgment appealed from, the party appealing shall file the original of the said Petition and Notice with a certificate of service thereof annexed, in the office of the Clerk of the Circuit Court in whose custody the record in the suit in which the Appeal is instituted shall be, (with a Certificate of the Clerk of Appeals that security in appeal has been given if the Appeal Bond is not deposited in the office of the said Clerk of the Circuit Court; and thereupon the said Clerk of the Circuit Court shall forthwith certify under his hand and the seal of the Circuit Court, and cause to be transmitted to the Court of Queen's Bench at the proper place, to be filed among the records thereof, the said petition, with the judgment, record, evidence and proceedings to which the Appeal shall relate.

Clerk to transmit the record to the Court of Q. B.

Parties to appeal to file appearances in Q. B.

LXVI. Each party, appellant or respondent shall, before the first day on which the case can be heard in appeal under the next following section, file an appearance in person or by Attorney, in the office of the Clerk of Appeals, and the Clerk shall enter each case in which the record has been transmitted to him from the Circuit Court, mentioning whether the parties respectively have so appeared or not; if the respondent does not appear as herein required he shall be held to make default, and if the appellant fail so to appear, he shall be held to have deserted his appeal, and the record shall be remitted to the circuit court.

Penalty for default.

At what time the appeal may be heard and what judgment shall be given.

LXVII. At the first sitting of the Court of Queen's Bench, on the Appeal Side at the place where the Appeal is to be heard, after the expiration of the forty days next after the rendering of the Judgment appealed from, or at any subsequent sitting of the said Court, the appeal shall, without any further formality, be summarily heard and such Judgment rendered thereon by the said Court, as ought to have been given by the Circuit Court; and the record in the case, with such Judgment (and the Appeal Bond if filed with the Clerk of Appeals) shall be remitted to the Circuit Court at the place where the Judgment appealed from was given, in order that the Judgment of the Court of Queen's Bench may be executed by the Circuit Court, and further proceedings had therein as to law may appertain.

Appellant neglecting certain proceedings to be deemed to have abandoned his appeal.

LXVIII. Provided always, That any appellant who shall neglect to cause a copy of such petition and notice in Appeal to be served and filed as aforesaid, or who having caused the same to be so served and filed, shall neglect to prosecute such Appeal effectually in the manner hereinbefore prescribed, and within such delay as the Court of Queen's Bench shall deem reasonable, shall be considered to have abandoned such Appeal,