

without costs; and when with costs, to be paid by either party, adding the amount thereof when the same shall have been taxed, as taxed; and that upon such certificate being filed in the court below, any entry thereof may be suggested on the roll, and further proceedings in that court be had, according to the course and practice of such court; and in case of any new question arising, according to the course and practice of the Court of Queen's Bench in England.

Provided that the respondent, if the successful party, may proceed upon the judgment by execution, and upon the bond or security required to be given under the statute and the foregoing rule in that behalf; or he may adopt either course separately, without prejudice to his other remedy by waiver, delay or otherwise.

XXVI. That all writs and all rules and orders of this Court in cases appealed shall be tested or bear date the day of their issuing, and be signed by the clerk of the court.

Writs to be tested when issued.

XXVII. That no writ of appeal shall be a super-seedeas of execution until service of the notice of the allowance thereof, containing a statement of some particular ground of appeal intended to be argued. Provided, that if the error stated in such notice shall appear to be frivolous, the court or a judge, upon summons and proof of the service thereof by affidavit, may order execution to issue.

If appeal frivolous, judge may order execution to issue.

XXVIII. That in appeals from the Court of Chancery, all securities under the fortieth section of the said Act of the Provincial Parliament, passed in the twelfth year of the reign of Her present Majesty, chapter sixty-three, shall be in the form of a bond, which, together with the affidavit of justification, shall be filed with the registrar of the said court, and notice thereof served on the respondent, his solicitor

In appeals from Chancery, securities to be by bond; to stand allowed after 14 days, if not moved against.