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Chief Justice or Judges respectively, in like manner nominate some other fit and proper person or persons to act as assessor or assessors in the trial of such action as aforesaid.

5 And be it further Enacted, That on the trial of every issue of fact joined between the parties in any action at law by this Act made cognizable in the said courts respectively, where the cause or matter at issue shall be appealable by this Act, and where such trial shall not be by a jury, the Judges of the said courts respectively shall cause the evidence on such issue to be taken down in writing by the clerk or other proper officer, and repeated in open court to the witnesses respectively giving the same, and the evidence so taken and repeated, shall be entered upon the proceedings of the said courts respectively, and be of record; and in every case in which any appeal shall be made and allowed under the provisions of this Act, copies of all documents and papers which shall have been produced and given in evidence, shall be certified by the said clerk or other proper officer as authentic, and also copies of any documents and papers which shall have been produced and tendered in evidence and rejected, shall, if required by the party producing the same, be in like manner authenticated, but marked by such officer as aforesaid, as rejected, in order that all such copies may be annexed to the record as part thereof, in case of appeal.

Where the cause shall be appealable, and the trial shall not be by a jury, the evidence to be taken down in writing.

25 And be it further Enacted, That it shall be lawful for the plaintiff or plaintiffs, defendant or defendants, against whom any judgment decree or order of the said District Courts respectively shall be given, for or in respect of any sum or matter at issue, above sterling, to appeal therefrom to the said Supreme Court, and the party or parties appealing from such judgment decree or order, shall within days from the passing thereof, give notice to the adverse party or parties of such appeal, and within days from and after such judgment decree or order, enter into sufficient security, to be approved by the Judges of the said District Courts respectively, to satisfy or perform the said judgment decree or order, in case the same shall be affirmed, or the appeal dismissed, together with such further costs as shall be awarded thereon; and in all cases of appeal, where notice shall be given and security perfected as aforesaid, execution shall be stayed, and not otherwise.

Parties allowed to appeal from the District Courts to the Supreme Court, where the cause of action shall exceed

40 And be it further Enacted, That it shall be lawful for the Judges of the said District Courts respectively, at the application of either of the parties, plaintiff or defendant, at or before the trial of any suit or action commenced in the said District Courts respectively, in case such trial shall not be by a jury, to permit the evidence on such trial, to be recorded and certified as aforesaid, although the sum or matter at issue may be less in value than provided it shall be made to appear to such Judge, that the judgment, decree, order or sentence which

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Evidence to be taken down, although the cause of action shall be less than in certain cases.