

originally instituted, which said Superior Court shall proceed to hear and adjudge on such appeal as to law may appertain, and in the manner hereinafter provided.

Delay allowed
for appealing:
Security to be
given.

VI. And be it enacted, That the party appealing from any judgment rendered as aforesaid by the Circuit Court, or by a Circuit Judge in vacation, or by a Judge of the Superior Court in vacation, shall within fifteen days after the rendering of the judgment to be appealed from (but without being bound to give notice thereof to the adverse party) give good and sufficient security by sureties who shall justify their sufficiency to the satisfaction of the person before whom it shall be given as hereinafter provided, that he will effectually prosecute the appeal, and (if the plaintiff be the party appealing) that he will pay the costs as well in the Court below as in the Superior Court if the judgment appealed from be affirmed; and (if the defendant be the party appealing) that he will pay the costs as well in the Court below as in the Superior Court, and that he will deliver up the real property adjudged to the plaintiff without waste, if the judgment appealed from should be affirmed; and such security shall be given either before any Judge of the Superior Court or the Prothonotary thereof, and the bond shall be deposited and remain of record in the office of the latter; or it shall be given before any Circuit Judge, or before the Clerk of the Circuit Court where such judgment may have been rendered, and the bond shall there be deposited and remain of record in the office of the latter; and any two sureties, each of whom shall be a proprietor of real property of the value of one hundred pounds current money of this Province above all incumbrances payable out of or affecting the same, shall suffice to render such security valid: and the said Judges, Prothonotaries or Clerks are hereby authorized to administer all oaths required by law in such cases from the persons so becoming sureties, and to put to them all necessary inquiries and questions.

How and before whom
such security
may be given.

Oaths.

How such
appeals may
be prosecuted.

VII. And for the purpose of obviating delay and expense in the prosecution of appeals under this Act, be it enacted, That such appeals shall be prosecuted and proceedings thereon had in a summary manner, by petition of the appellant to the Superior Court, setting forth succinctly the grounds of appeal, and praying for the reversal of the judgment appealed from, and the rendering of such judgment as the Court below ought to have rendered, a copy of which petition, with a notice of the time at which it is to be presented to the Superior Court, shall be served upon the adverse party, or at his domicile, or on his attorney *ad litem*, within fifteen days from the rendering of the judgment appealed from; and such petition shall be presented at some weekly sitting or term (whichever shall first happen) of the Superior Court next succeeding the rendering of the judgment appealed from,

See Page 267.