

Judges, Prothonotaries or Clerks are hereby empowered to administer all necessary oaths to persons becoming such sureties, and it shall not be necessary to give notice to the party, Plaintiff, of the putting in of such security; Provided, however, that if the security required by this Section be not furnished within the delay prescribed, the right of evocation before trial and enquête shall be forfeited. 5

Plaintiff may at the same time demand for issues and profits. III. And be it enacted, That in any action to be instituted under the provisions of the Act herein first above cited, it shall and may be lawful for the party Plaintiff in such suit or action, to demand 10 such sum or sums of money as he or they may be entitled to by law, for rents, issues and profits, *fruits et revenus*; and any Circuit Court, Circuit Judge in Vacation or Judge of the Superior Court in Vacation, shall and may have, hold and exercise jurisdiction over the said demand for rents, issues and profits, *fruits et 15 revenus*, whatever may be the sum demanded.

Defendant may demand sums due him for improvements. IV. And be it enacted, That in any suit or action instituted under the provisions of the Act herein first above cited, before any Circuit Court, Circuit Judge, in Vacation, or Judge in the Superior Court in Vacation, it shall and may be lawful for any Defendant 20 or Defendants in any such suit or action, in addition to any other defence which he, she or they may have to such suit or action, to plead and demand, by incidental cross-demand, any and all such sum or sums of money as he, she or they may be entitled by law to have and demand for improvements, buildings and ameliorations 25 made upon the Real Property sought to be recovered in and by such suit or action; and any such Circuit Court, Circuit Judge, in Vacation, or Judge of the Superior Court, in Vacation, shall have, hold and exercise jurisdiction over any such incidental cross-demand for ameliorations, buildings and improvements, whatever may be 30 the amount claimed thereby.

Defendant may appeal to Superior Court, notwithstanding any thing in Sec. 5, &c., giving security. V. And be it enacted, That notwithstanding any thing contained in the fifth Section of the Act herein first above cited, it shall and may be lawful for any Defendant or Defendants to appeal from any Judgment rendered by any Circuit Court, Circuit Judge, 35 in Vacation, or Judge of the Superior Court in Vacation, under the said Act or this Act, to the Superior Court sitting in the District where such suit or action shall have been originally instituted, upon giving good and sufficient security as prescribed in the said Section, effectually to prosecute the appeal and pay all costs as 40 well in the Court below as in the said Superior Court, if the Judgment appealed from should be affirmed.