

XXV. In case of an Appeal on a Judgment given against several persons, and one or some only shall appeal, the Memorandum alleging error, and the note of the receipt of such Memorandum shall state the names of the persons who appeal, and in case the other persons against whom Judgment has been given decline to join in the appeal, the same may be continued and the suggestion last aforesaid entered, stating the persons who appeal without any summons and severance, or if such other parties elect to join, then the suggestion shall state them to be and they shall be deemed appellants although not mentioned as such in previous proceedings.

Provision in cases where of several parties against whom judgment is given, one or some only appeal.

XXVI. Upon such suggestion of error alleged and denied being entered, and after the security required to be given by the appellant shall have been duly allowed, the cause may be set down for argument in the Court of Error and Appeal as heretofore, and the Clerk of the Court appealed from shall, on payment of his lawful fees, prepare a full transcript of the Judgment appealed from and certify the same under the seal of the Court, and shall forthwith transmit the same to the Clerk of the Court of Error and Appeal.

Upon entry of error alleged and denied, and security allowed, &c., transcript of judgment to be transmitted to Court of Error and Appeal.

XXVII. In cases of appeals upon motions or rules for new trials, or to enter a verdict or non-suit, or upon rules whereby any by-law is quashed, such appeal shall be upon a case to be stated by the parties (and in case of difference to be settled by the Court or a Judge of the Court appealed from) in which shall be set forth so much of the pleadings, evidence, affidavits, documents and the ruling or Judgment objected to as may be necessary to raise the question for the decision of the Court of Error and Appeal; and the case so stated and settled shall be forthwith delivered by the appellant to the Clerk of the Court of Error and Appeal, and the case may, after the security required to be given by the appellant shall have been duly allowed, be set down for argument.

In appeals upon certain motions or rules for new trials, &c., case to be stated; how settled if parties do not agree.

XXVIII. The appellant shall deliver to the said Clerk at least four clear days before the day appointed for hearing the argument, for the use of the Judges, two copies of the transcript of the Judgment or of the case mentioned in the last section, as the case may be, or in default thereof the appeal may be dismissed with costs.

Appellant to deliver two copies of judgment or case, and when and to whom.

XXIX. In case of the death of one of several appellants, a suggestion may be made of such death, which suggestion shall not be traversable but shall only be subject to be set aside if untrue, and the proceedings may be thereupon continued at the suit of and against the surviving appellant, as if he were the sole appellant.

Case of death of one of several appellants, provided for.

XXX. In case of the death of the sole appellant, or of all the appellants, the legal representative of the sole appellant, or of

Case of death of sole appellant.