

Term ; and if there shall not be such an interval, then on the first Juridical day of the second Term of the Court appealed to, next succeeding the rendering of such Judgment ; Provided always, that neither the day of the rendering of the Judgment appealed from, nor the day of the presenting of the said Petition to the Court appealed to, shall be considered as forming part of the said interval of twenty-five days ; And provided also, that a true copy of the appeal bond, given by the party appealing, certified as such by the Clerk or Prothonotary in whose office it shall have been deposited, shall be annexed to the original of the petition presented to the Court appealed to, and that a copy or copies of the same, certified as such by the party appealing, or his Attorney, shall be served with the petition and notice hereinbefore mentioned, upon the party respondent.

LXXVII. And be it enacted, That within the same delay of twenty days after the rendering of the Judgment appealed from, as aforesaid, the party appealing shall also cause a copy of the said petition and notice only to be served upon the Clerk in the office and custody of whom the record of the suit or action appealed from shall be, with a certificate from the Clerk or Prothonotary of the Court appealed to, that security in appeal has been given, if the appeal bond shall not be deposited in the office of the Court appealed from ; and thereupon it shall be the duty of the said Clerk or Prothonotary of the last mentioned Court, without waiting for the presenting of the said petition to the Court appealed to, forthwith to certify under his hand and the seal of the Court to the Court to which such appeal may lie, and to cause to be transmitted to the Justices of the said Court (to be filed among the Records thereof,) the Judgment, record, notes of evidence, and proceedings to which such appeal shall relate ; and after the transmission of the said Judgment, record, notes of evidence and proceedings, and the filing of the said petition of appeal by and on the part of the appellant, as aforesaid, the appeal shall, without any further formality, be summarily heard and judgment thereon rendered by the said Superior Court as to law and justice may appertain ; Provided, that any appellant who shall neglect to cause a copy of such petition and notice of appeal to be served as aforesaid, or who, after having caused the same to be served, shall neglect to prosecute effectually the said appeal in the manner hereinbefore prescribed, shall be considered to have abandoned the said appeal, and upon the application of the respondent the Court appealed to shall declare all right and claim founded on such appeal, to be forfeited, and shall grant costs to the respondent, and order the record (if transmitted) to be remitted to the Court below.