

Appeals to be prosecuted in a summary way, by Petition and Notice.

LXV. And, in order to avoid delay and expense in the prosecution of Appeals from judgments rendered by the Circuit Court, such Appeals shall be prosecuted and proceedings thereon had, in a summary manner, by Petition of the Appellant to the Court of Queen's Bench, setting forth succinctly the grounds of Appeal, and that the security required by law has been duly given, 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 Notice of the time or day on or after which it may be proceeded upon by the Court of Queen's Bench, and a copy of the Appeal Bond certified by the Clerk in whose office it is filed, shall be served on the adverse party personally or at domicile, or on his attorney *ad litem* in the Circuit Court, within twenty-five days from the rendering of the judgment appealed from.

Petition and Notice, &c., to be filed in Circuit Court.

Clerk to give certificate and transmit the record to the Court of Q. B.

LXVI. Within the same delay of twenty-five days after the rendering of the judgment appealed from, the party appealing shall file the original of the said Petition and Notice with a certificate of service thereof annexed, in the office of the Clerk of the Circuit Court in whose custody the record in the suit in which the Appeal is instituted shall be, with a Certificate of the Clerk of Appeals that security in appeal has been given, if the Appeal Bond is not deposited in the office of the said Clerk of the Circuit Court; and thereupon the said Clerk of the Circuit Court shall deliver to the appellant a certificate of the filing of the said petition and of the documents accompanying it, for the purpose of proving when need shall be, that he has instituted such appeal, and shall forthwith certify under his hand and the seal of the Circuit Court, and cause to be transmitted to the Court of Queen's Bench at the proper place, to be filed among the records thereof, the said petition, with the judgment, record, evidence and proceedings to which the Appeal shall relate.

Parties to appeal to file appearances in Q. B.

Penalty for default.

Proviso: Appellant may file the certificate of the Clerk of the Circuit Court, and for what purpose.

LXVII. Each party, appellant or respondent shall, before the first day on which the case can be heard in appeal under the next following section, file an appearance in person or by Attorney, in the office of the Clerk of Appeals, and the Clerk shall enter each case in which the record has been transmitted to him from the Circuit Court, mentioning whether the parties respectively have so appeared or not; if the respondent does not appear as herein required, he shall be held to make default, and if the appellant fail so to appear, he shall be held to have abandoned his appeal, and the record shall be remitted to the circuit court; Provided always, that it shall be lawful for the appellant to file, with his appearance, in the office of the Clerk of Appeals, the certificate of the filing of his said petition in appeal and the documents accompanying it, in the office of the Clerk of the Circuit Court, in order to prove when need shall be, that he brought his appeal, and to enable him to adopt all necessary proceedings against the Clerk of the Circuit