

Procedure.

VIII. The said Writ shall be returnable in term or in vacation within fifteen days from its date, and a duplicate thereof shall be served five days at least before the return day, upon the Respondent or his Attorney, and also upon the Clerk of the Justice or Justices of the Peace, or of the Court by whom the Judgment appealed from shall have been rendered, and thereupon it shall be the duty of the said Justices and of the said Clerk to transmit the said record forthwith and not later than the day fixed for the return of the said Writ, to the Clerk of the Circuit Court in which the Appeal shall have been brought, with a certificate signed and sealed by one Justice at least, or by the Clerk, certifying that the documents transmitted are all the documents relating to the cause. 5
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Form of writ.

IX. The Writ may be in the form No. 2, annexed to this Act, or in any form to the like effect.

Appearance.

X. On the return day of the Writ of Appeal, or on the following day, each party or his Attorney shall file an appearance, and at any time after, on the inscription for hearing of either party,—one day's notice of which in term, and three days of which in vacation, shall have been given to the opposing party,—the Appeal shall be heard for all purposes whatsoever and decided summarily.—And no new evidence shall be adduced. 15
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Costs.

XI. The Circuit Court shall adjudge the costs on such Appeal, and if the Judgment appealed from be fully confirmed, it shall order that the record be transmitted to the Justice or Justices, or Court who shall have pronounced the Judgment or conviction, and such transmission shall be effected by the Clerk of the Circuit Court who shall annex to the record a copy of the Judgment of the said Court and a certificate of the costs allowed on the said Appeal, and the said costs shall be levied by the same means, and in the same manner in which the Judgment of the Justice or Justices, or of the Court below, is carried into effect according to law : 25
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In case the judgment be modified, &c.

XII. But if, on the other hand, the said Judgment be modified or set aside, in whole or in part, the record and procedure on the Judgment appealed from, and any procedure upon the Appeal, shall remain to form part of the records of the Circuit Court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the Judgment of the said Court shall be carried into effect, and that by the same means and in the same manner as the Judgment appealed from would itself have been carried into effect ; 35

XIII. Any Appellant who shall have neglected to cause the Writ of appeal above mentioned to be served as aforesaid, or who, having caused it to be served, shall fail effectually to prosecute the said Appeal, shall be deemed to have abandoned the said Appeal, and upon application of the Respondent, the Circuit Court shall declare forfeited all the rights and claims founded on the said Appeal, and shall allow costs to the Respondent, and shall order that the record, (if it has been transmitted,) be sent back to the Court or Judge below ; and if the record has not been transmitted, then, upon production of the notice of appeal or writ of appeal, the said Respondent shall obtain such costs as the Court may adjudge ; 40
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Recourse against sureties.

XIV. The execution of the Judgment against the party condemned shall not deprive the party who shall have succeeded, of his recourse against the sureties for the whole or any part of the costs of the Appeal 50