

LXII. The said security shall be given either before a Judge of the Court of Queen's Bench, at the place where the Appeal is to be heard, or before the Clerk of Appeals at such place, and the bond shall then be deposited and remain of record in the office of the latter; or it shall be given before a Judge of the Superior Court when at the place where the judgment appealed from shall have been rendered, or before the Clerk of the Circuit Court at such place, and the bond shall then be deposited and remain of record in the office of the latter; and any one surety, being a proprietor of real property of the value of fifty pounds currency over and above all incumbrances payable out of or affecting the same, shall suffice to render such security valid; and the said Judges, Clerk of Appeals, or Clerk of the Circuit Court, are hereby respectively authorized to administer all oaths required by law in such cases from the persons so becoming sureties, and to put to them all necessary inquiries and questions.

Before whom security may be given, and where.

What shall be sufficient.

LXIII. Provided always, that if the party appealing shall, within the same delay of fifteen days after the rendering of the judgment, agree and declare in writing at the office of the Clerk of Appeals, or at the office of the Clerk of the Circuit Court at the place where the judgment appealed from was rendered, that he does not object to the judgment being carried into effect according to law,—or shall pay into the hands either of the said Clerk of Appeals or of the Clerk of the Circuit Court, the amount in principal, interest and costs, of the said judgment (which amount, when so paid, the Respondent shall be entitled to have from such Clerk), and shall at the same time declare in writing his intention to appeal, then and in that case the party so appealing, in lieu of the security above required, shall give security only for such costs and damages as shall be awarded by the Court of Queen's Bench in case the Appeal be dismissed.

Proviso, if appellant agrees to allow the judgment to be executed.

LXIV. Provided also, that when only such security as last mentioned for costs and damages shall have been given, the Respondent shall not, if the judgment appealed from be reversed, be bound to return to the Appellant more than the amount of money so paid into the hands of the Clerk of Appeals or of the Circuit Court, with legal interest thereon from the day of the payment of the same to such Clerk,—or more than the sum levied under the execution sued out upon such judgment,—or more than the restitution of the real property whereof the Respondent shall have been put into possession by virtue of such judgment, and the net value of the revenues and produce thereof, to be computed from the day when he shall have been so put in possession thereof until perfect restitution is made,—with the costs of such Appellant as well in the Court of Queen's Bench as in the Circuit Court, but without damages against the Respondent in any of the said cases, by reason of the judgment appealed from or of the execution thereof; any law, usage or custom to the contrary notwithstanding.

Further proviso, limiting the liability of the Respondent in the case last mentioned, if the judgment be reversed.