

business, with or without notice, shall appear on the return of the warrant, or shall make default in not appearing at the time and place appointed, when there shall be an appointment, by the justice, of a future day for an hearing, the justice before whom any defendant shall be brought on a warrant as aforesaid, or before whom he shall appear on an appointment as aforesaid, may, in his discretion, hear and determine the matter of controversy, ex parte.

SEC. 4. *And be it enacted*, That in all cases where the debt or demand doth exceed twenty shillings common money, or one hundred pounds of tobacco, and either plaintiff or defendant shall think him or herself aggrieved by the judgment of any magistrate, he or she shall be at liberty to appeal to the next county court, before the justices thereof, who are hereby, upon the petition of the appellant, in a summary way, empowered and directed to hear the allegations and proofs of both parties, and determine upon the same according to the law of the land, and the equity and right of the matter, the same court in which the said petition shall be exhibited, without any further continuance or delay, unless it shall appear to the satisfaction of the said court, that further time ought to be given to the party applying for the same, to enable the said court to determine the cause according to the law of the land, and the equity and right of the matter, either of the said parties may demand a trial by jury, or leave the cause to be determined by the court, at their election.

Persons
aggrieved
may appeal,
&c.

By 1818, ch. 136, appeals shall not be dismissed, because the same were not prosecuted to the next court, unless the court shall be satisfied that the appellant had notice of the judgment, at least ten days before the sitting of the court.

By 1831, ch. 290, appeals may be prosecuted sixty days after judgment.

By 1823, ch. 172, appeals not to be reversed for want of form.

SEC. 5. *And be it enacted*, That no execution upon judgment to be rendered by any justice shall be stayed or delayed, or any supersedeas upon such judgment granted upon any appeal, unless the person appealing, or some other on his or her behalf, shall, immediately upon making such appeal, enter into bond, with sufficient sureties, such as the justice by whom judgment shall be given shall approve of, in double the sum recovered, with condition, 'that if the party appealing shall not prosecute his appeal at the next county court with effect, according to the directions of the act, entitled, an act for the speedy recovery of small debts out of court, and to repeal the acts of assembly therein mentioned, and also pay and satisfy the party in whose behalf the judgment of the justice shall be given, his executors, administrators or assigns, in case the said judgment shall be affirmed, as well the debt, damage and cost,

No execution to be stayed, &c.