

52. On the party signifying his intention to appeal, it shall be the duty of the justice of the peace to enter the appeal, with the date thereof, upon his docket, and to transmit the papers in the cause to the clerk of the Circuit Court, or the clerk of the Court of Common Pleas.

53. All appeals shall be docketed, and summons for the appellee issued by the clerk of the Circuit Court, or Court of Common Pleas, immediately upon the filing the papers in his office, and no petition shall be necessary in any case.

54. If the summons shall be returned summoned, and the papers shall have been filed ten days previous to the commencement of the then next term of the court, the case shall stand for trial at the first term; but if the papers are not filed within that time, the case shall not stand for trial until the second term.

55. If two summonses be returned "non est," or one summons be returned "served," the court may hear and determine the case *ex parte*.

56. No appeal from a judgment of a justice of the peace shall stay execution unless an appeal bond, in double the sum recovered with approved and sufficient security, be filed with the justice, with condition that if the party appealing shall not prosecute his appeal at the next Circuit Court for the county, or the next term of the Court of Common Pleas with effect, 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, adjudged by the justice from whose judgment such appeal shall be made, as also all costs and damages that shall be awarded by the court before whom such appeal shall be heard, tried, and determined, then the said bond to be and remain in full force and virtue, otherwise to be of none effect.

57. When an appeal bond shall be filed with sufficient securities, the said appeal shall operate as a supersedeas to any execution on said judgment, notwithstanding a levy may have been made; *Provided*, the said appeal shall be taken and the bond filed within sixty days after judgment, and the party appellant first pays or tenders payment to the officer making such levy all legal fees which shall have accrued on said levy.