

CHAP. 200. the register of the court of chancery, or by the clerk of the county court of the county wherein the sureties in such appeal bond may reside.

Proceedings on appeal, &c. to be transmitted

6. *And be it enacted*, That on any appeal being entered in any county court, or other inferior court, or in the court of chancery, from any judgment or decree therein, as herein before mentioned, or upon the production of a writ of error, upon any judgment in any county court, or other inferior court, it shall be the duty of the clerk or register of such court, to make out and transmit to the court of appeals, to which such appeal may be made, or the writ of error made returnable, a full transcript or record of the whole proceedings of the said court in such action, under the hand of the clerk or register, and the seal of the court, or great seal of the state, as the case may be, within forty days next after the appeal therein shall have been entered, or the writ of error produced and filed; and upon receipt of such transcript by the clerk of the court of appeals, he shall enter the case on the docket of his court as of the term next after the date of the appeal or of the writ of error in such case.

Penalty on clerks for refusing, &c.

7. *And be it enacted*, That if any clerk or register shall refuse or delay to make out any such transcript or record, and transmit the same in manner aforesaid to the court of appeals, within the time prescribed by law after the appeal therein shall have been entered, or the writ of error produced, he shall forfeit and pay the sum of one hundred dollars, to be recovered by any person who shall prosecute or sue for the same; and such clerk or register shall moreover be liable to the party appellant, or party suing out such writ of error, for such damages as he, she or they, may sustain by such refusal or delay as aforesaid.

If no record shall be transmitted court, &c. to fine clerk, &c.

8. *And be it enacted*, That if a transcript or record of the proceedings of any judgment or decree, wherein there may be an appeal or writ of error as aforesaid, shall not be transmitted to the court of appeals within the time prescribed by law for such appeal being made, or writ of error produced, it shall and may be lawful for the county court of the county, or other inferior court, wherein the judgment or decree shall have been rendered, or the chancellor, as the case may be, on the production of a certificate from the clerk of the court of appeals of the shore, stating that no transcript or record of proceedings of such judgment or decree hath been transmitted to or filed in his office, to fine the clerk or register, as the case may be, in a sum of money not exceeding one hundred dollars, unless a satisfactory reason shall be given by such clerk or register, for his neglect or delay in not transmitting a transcript or record of the proceedings as aforesaid.

Sureties in bonds to be liable for fees, &c.

9. *And be it enacted*, That the sureties named in any appeal or writ of error bond as aforesaid, and each of them, shall be answerable for and liable to the clerk or register, for all fees to which he shall be entitled by law for making such transcript or record, and transmitting the same as aforesaid; and they may be compelled to pay such fees, in the same manner as if the services had been performed for them, in case of the insolvency.