

appealing as aforesaid, may, in the discretion of the general court, be adjudged to pay to the appellee or defendant in error, damages for staying execution on such judgment, at a rate not exceeding ten per cent. upon the principal sum, and interest (if any) due and recovered, and upon the costs of the county courts, which shall be added to the principal sum and interest (if any) due and recovered, and costs aforesaid, together with the costs incurred by the appellee or defendant in error, in the general court, and execution for the whole sum so to be adjudged may issue from the county court, upon a certificate of such judgment by the clerk of the general court, under his hand and the seal of office, being produced to the clerk of the county court, or from the general court, at the election of the party, appellee, or defendant in error, or if the original judgment be for the penalty in an action brought on bond, or other instrument of writing with penalty, then execution may issue as aforesaid for the penalty recovered, with endorsement upon the same of the whole sum adjudged as aforesaid, without payment of which the defendant shall not be discharged from the penalty; and if execution of the judgment in any action aforesaid be farther stayed, by appealing or bringing a writ of error to the court of appeals, and the judgment of the general court be affirmed, or the appeal or writ of error be dismissed, or discontinued by default of the party, or a nonsuit be entered in the same, the party or parties so appealing or bringing such writ of error may, in the discretion of the court of appeals, be adjudged to pay to the appellee or appellees, defendant or defendants in error, damages for staying execution on such judgment, at a rate not exceeding ten per cent. more upon the principal sum and interest (if any) first recovered, and upon the costs incurred in the county court, and in the general court, together with all legal costs incurred by the appellee or appellees, defendant or defendants in error, in the court of appeals, and execution for the whole sum so to be adjudged, may issue from the general court upon a certificate of such judgment by the clerk of the court of appeals, under his hand and the seal of office, being produced to the clerk of the general court, or from the court of appeals, at the election of the party, appellee, or defendant in error, or if the original judgment be for the penalty in an action brought upon bond, or other instrument of writing with penalty, then execution may issue as aforesaid for the penalty recovered, with endorsement upon the execution of the whole sum adjudged as aforesaid, without payment of which the defendant shall not be discharged from the penalty.

And be it enacted, That where the defendant, or person bound by the judgment in any action of the nature and kind aforesaid, originally commenced in the general court, or removed there by writ or habeas corpus, or certiorari, shall stay execution of the judgment of the said court, by appealing or bringing a writ of error to the court of appeals, and upon hearing, if such judgment be affirmed, or such appeal or writ of error be dismissed or discontinued by default of the party, or nonsuit entered in the same, such defendant or defendants, or person bound by the judgment, may, in the discretion of the court of appeals, be adjudged to pay to appellee or defendant in error, damages for staying execution on such judgment, at a rate not exceeding ten per cent. upon the principal and interest (if any) due and recovered, and upon the costs in the general court, which shall be added to the sum due and recovered, and costs aforesaid, and also the costs accruing in the court of appeals, and execution may issue for the whole so adjudged, either from the general court, upon certificate as aforesaid, or from the court of appeals, at the election of the party, appellee, or defendant in error.

And be it enacted, That where the defendant or defendants in any action aforesaid brought in any county court, or brought in or removed to the general court, or any person bound by the judgment of such action, shall stay execution of a judgment by appealing to, or obtaining an injunction from, the chancery court, and such injunction on hearing shall be dissolved, or the appeal shall be discontinued, or in any manner dismissed, the party or parties who obtained such injunction may, in the discretion of the chancellor, be decreed to pay to the party or parties who recovered judgment as aforesaid, damages for staying execution on such judgment, at a rate not exceeding ten per cent. upon the principal sum and interest (if any) due and recovered, and upon the costs in the general court, or county court, respectively, and execution shall be issued by the clerk of the general court, or clerk of the county court, as the case may be, for the whole sum and costs recovered and due upon such judgment, and also for damages to be decreed as aforesaid, and also for the costs incurred by the party or parties defendants in equity, upon a certificate from the register of the court of chancery, authenticated as aforesaid, that such injunction had been dissolved, or the appeal hath been discontinued, or in any manner dismissed, being produced to the clerk of the general court, or clerk of the county court, respectively; and if the judgment be for the penalty in an action brought on bond, or other instrument of writing with penalty, then execution may issue for the penalty recovered, with endorsements upon the execution of the whole sum due and recovered, and adding the damages decreed as aforesaid, with costs in equity as aforesaid, without payment of all which the defendant shall not be discharged from the penalty.

And be it enacted, That in all cases of bond and security hereafter given, upon appeals, writs of error, and injunctions, the obligors in such bonds, and every of them, and their heirs, executors and administrators, having assets, shall be liable to pay the party recovering judgment, his executors or administrators, not only the sum recovered by the first judgment in any action aforesaid, but also the damages and costs to be adjudged or decreed as aforesaid.

And be it enacted, That no writ of habeas corpus, or certiorari, in any civil suit hereafter to be brought, shall be allowed by any county court, nor shall any record in a civil suit by the same be removed, unless such writ of habeas corpus, or certiorari, be produced to the court before