

shall from the time of such entry operate as a judgment against the party against whom it is made, which judgment shall be a lien upon his, her or their lands, in the same manner as judgments in courts of record now are.

XIII. AND BE IT ENACTED, That if either of the parties shall be dissatisfied, or think him, her or themselves aggrieved by the report of arbitrators made as aforesaid, he, she or they, may have an appeal to the next county court thereafter, under the following rules, regulations and restrictions, to wit: The party appellant, whether plaintiff or defendant, shall, by himself, his agent or attorney, enter such appeal with the clerk of the proper county, with the bail and recognizance herein after required. within thirty days after the entry of the award of the arbitrators on his docket, and if such appeal, bail and recognizance, should not be entered within the time limited above, then it shall be the duty of the clerk, (at the request of the party in favour of whom the report of the arbitrators shall have been made,) to issue execution, or such other process as may be necessary to carry into complete effect and operation such judgment obtained as aforesaid; provided always, that where judgment has been rendered for any sum or sums of money, the like stay of execution shall be had, and under the like regulations, as is provided by the act, entitled, An act supplementary to an act, entitled, An act for the mode of staying execution, and for repealing the acts of assembly therein mentioned, passed at November session, seventeen hundred and ninety-one.

XIV. AND BE IT ENACTED, That if the plaintiff be the appellant, he shall, with one or more sufficient sureties, enter into recognizance with the clerk, the condition of which shall be, that if the said plaintiff do not recover in the event of the suit a sum greater, or obtain a judgment more favourable, than the report of the arbitrators, he shall pay all the costs that shall accrue before the arbitrators, together with those accrued in consequence of the appeal had to the court aforesaid, and one dollar per day for each and every day that the defendant shall necessarily lose in attending on such appeal, which costs and daily pay shall be taxed and recovered as costs in other cases are by law recovered.

XV. AND BE IT ENACTED, That if the defendant be appellant, he shall enter into a recognizance, with one or more sureties, with the clerk, in the nature of special bail, the condition of which shall be, that if the plaintiff, in the event of the suit, shall obtain a judgment for a sum equal to or greater, or a judgment as, or more favourable, than the report of the arbitrators, the said defendant shall pay all the costs which shall accrue before the arbitrators, or before the court aforesaid, together with the sum or value of the property or thing awarded by the arbitrators, with one dollar per day for each day which shall be lost by the plaintiff in attending to such appeal, or in default thereof, shall surrender the defendant or defendants to the gaol of the proper county, in discharge of said recognizance, which costs and daily pay shall be recovered as is herein before directed.

XVI. AND BE IT ENACTED, That the clerk, or any justice of the peace of the proper county, or the first named of the arbitrators, if required by either of the parties, shall issue subpoenas to compel the attendance of witnesses before the arbitrators, returnable on a certain day therein mentioned, and the first named arbitrators shall in all cases have the same power to issue attachments to compel the attendance of witnesses as the county courts now have.

XVII. AND BE IT ENACTED, That it shall be the duty of the clerk, on application to him made by both or either of the parties, their agents or attorneys, to enter a rule for taking the depositions of aged infirm witnesses, or of such as are about to go or remove from the state or county, in the same manner, and subject to the same rules and regulations, as are now observed in the county courts of this state.

XVIII. AND BE IT ENACTED, That the fees to be allowed to constables, and other persons, to carry the provisions of this act into operation, shall be the same as the fees allowed by law to constables for similar services, and the like penalty for neglect of duty.

XIX. AND BE IT ENACTED, That the arbitrators respectively shall receive the sum of one dollar for each and every day necessarily spent by them in the investigation of any cause to them submitted under the provisions of this act, but they shall receive no daily pay, or other compensation, unless they make their report, and transmit the same to the clerk, within fourteen days after they shall have agreed upon the same.

XX. AND BE IT ENACTED, That in case any one or more arbitrator or arbitrators, chosen and notified as aforesaid, shall neglect or refuse to attend and take upon him or themselves the duties of their appointment, each of them, so offending, shall, for every such offence, forfeit and pay the sum of two dollars, to be recovered by either party before a justice of the peace, in the same manner as debts of equal amount are by law recoverable, unless he or they can satisfy such justice, that his or their absence was occasioned by sickness, or some other unavoidable cause.

XXI. AND BE IT ENACTED, That after this act shall come into operation, so much of any law as is hereby altered or supplied, be and the same is hereby repealed.