

THE WYANDOT PIONEER.

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WHOLE NO. 954.

THE LAST LEAF.

BY OLIVER WENDELL HOLMES.

I saw him once before,
As he passed by the door—
And again
The pavement stones resound
As he tatters on the ground,
With his cane.
They say that in his prime,
In the pulsing knife of Time
Cut him down,
Not a better man was found
By the erie on his round
Through the town.
But now he walks in the street,
And he looks on all the best,
Sad and wan,
And he shakes his feeble head,
That it seems as if he said—
'They are gone.'
The mossy marbles rest
On the lips that he has pressed
In their bloom,
And the names he loves to hear
Has been carved for many a year
On the tomb.
My grandmother has said—
(Poor old lady, she is dead
Long ago)
'That he had a Roman nose,
And his cheek was like a rose
In the snow.
But now his nose is thin,
And it rests upon his chin
Like a staff;
And a croak is in his back
And a melancholy crack
In his laugh.
I know it is a sin
For me to sit and grin
At him there;
But his old three cornered hat,
And knee-breeches, and all that,
Look so queer.
And if I should live to be
The last leaf upon the tree
In the spring,
Let them smile, as I do now,
At the old forsaken bow,
Where I cling.

From the Western Emporium.
SQUEEBOB;

PEGGY SKOOTEEYE, THE MAID OF DARKE COUNTY.

BY SLOCUM SLUGS, ESQ.

CHAPTER I. SQUEEBOB.

It was in the spring of the year, about the time the frogs begin to go 'pe-de-weet,' or before they get hoarse with croaking—the time of which I write was in the early settlement of Darke county—it was, I have said, in the spring of the year, at the close of the day, when, at the edge of an immense swamp, and before the door of a small log cabin, might have been seen a maiden of about eighteen summers and a dozen winters. She was sitting on an inverted sugar-trough, shelling corn for an old rooster, with just three feathers in his tail; the fourth had dropped out when he was running to get the corn. The girl had shelled two rows and a half of corn from the cob, and had started the first grain of the last half of the third row, when her attention was arrested by a noise in a paw-paw thicket near by.

'I spect it's only brother Josh' brought' another punkin from the field,' said the maiden and resumed her occupation.

She had scarcely finished the third row when she looked up and saw a person standing at her side with a piece of stove-pipe on his head.

'What are you name?' enquired the maiden.

'Squeebob' was the reply.

'Who on earth is Squeebob?'

'Me am chief of Catawampus Braves. Squeebob has ten wives, fifty pet porcupines and five warriors.'

'Du tell!'

'Squeebob wants claw-to-baker.'

'Squeebob may go to grass!'

'White maiden has offended Squeebob! When frogs go cher-quir-r-r-rank, Squeebob swears, by three hatfuls of musketeers, he will carry white maiden off in swamp.'

And he ran away squealing like a pig.

CHAPTER II. THE WARNING.

Squeebob's last squeal yet echoed in the distance, when a person was seen swiftly approaching from another direction, riding back foremost on a mule. He stopped suddenly at the door of the cabin and addressed the maiden, thus:

'Does Corporal Ebenezer Skooteye reside here?'

'No! but he lives in that 'ar house,' was the reply.

'And has he a daughter?'

'No! he has nothin' but a gal, and brother Josh.'

one smoke-house, one hog-pen, a chicken-coop, an ash-hopper, a hay-stack, and a pot-bench. The inhabitants are three white men, and one woman, two children, seven geese, five niggers, and a mule—this is the mule.'

'Well, Mister, I guess you'd better read that 'ar letter, for I can't read a drap, and daddy's worse-off than I am, for he can't hardly see.'

'Give me the letter. It says: FROG-TOWN, April—1849.

DEAR PEGGY:—If Squeebob, the Catawampus Chief, comes along your way, give him anything he asks for. I have hired him to kill lizzards, all summer, and he is a good hand at it. Don't refuse him anything, for the world; he is easily offended, and very desperate. If you insult him, he will never forgive you, but carry you off, and feed you to pet porcupines. Beware!

Yours, devotedly,
NICODEMUS SQUASHINS.'

When the last word was pronounced, Peggy went into convulsions and flummoxed. The messenger again mounted his mule, and rode away in the direction from which he had come.

CHAPTER III. THE INTERVIEW.

Peggy had him, she knew not how long for she had forgotten to look before she fainted. But when she came to her senses it was late in the night. The moon was shining brightly, and she gazed round in bewilderment. Presently she beheld an object far out in the swamp: it was a man approaching on stilts. He stood before the maiden, and spoke—

'Peggy?'

'Nicodemus!'

Their faces met, and a noise was heard which sounded like hitting a cow over the back with a shingle.

'What are you doing out so late?' said Nicodemus.

'What brings you here?' exclaimed Peggy.

'Squeebob has been here?' said Nicodemus.

'Yes!'

'And you insulted him?'

'No! I only wouldn't give him a chew of tobacco.'

'Why?'

'Cause, I hadn't none.'

'And what did he say?'

'He swore, by three hatfuls of musketeers, that he would carry me off in the swamps.'

'Did he swear by three hatfuls, or only two and a half?'

'Three.'

'Then it is all over. If he swears by only two hatfuls and a half, there is some chance of getting him pleased; but if he swears by three hatfuls, there is no chance.'

'What shall we do?'

'The only remedy is for us to get married as soon as possible. We can then leave for the State of Massissinewa, until he's out of the way. He went go to Massissinewa—he's afraid of the gallin-pers there.'

'Then, let's go right off, and see preacher Grubbinhoe. Day after to-morrow night is the time. Good night!'

'Good bye!'

'And Nicodemus put his stilt in his pocket, and galloped away on his hands and feet.'

CHAPTER IV. SQUEEBOB AGAIN.

Peggy yet stood on the verge of the swamp, looking at the blue streaks which Nicodemus had left in his wake, when she heard a sound which she took to be that of a frog. She answered it with a similar sound, when it ceased; and in a few minutes Squeebob stood before her.

'White maiden mocks Squeebob,' said he.

'Squeebob lies—I thought it was a bull-frog,' said Peggy. 'What did you come back for again?'

'White maiden is trying to fool Squeebob; but she can't escape!'

Saying this he gave a shrill whistle, when a monkey appeared with an armful of corn-cobs. Squeebob selected one of the largest and fitted it to Peggy's mouth, gagged her with it, and seizing her in his arms, carried her a short distance, and placed her upon a wheelbarrow, which went by bellows power.

Giving it full wind, he sailed rapidly away.

'I'll 'list you!' But he found no Peggy in her usual place. He looked a moment, and then ejaculated:

'Confound it, she's not in bed and hasn't been, at all!'

The old man ran out of the house and looked in every direction. He then ran along, smelling of the ground like a dog after which he again hurried into the house, yelling:

'Squeebob! Squeebob! He's carried Peggy off! I have found his tracks!'

'Maybe it's somebody else's tracks,' suggested the old woman.

'Somebody else's—thunder!' cried the old man; 'don't I know the tracks? They look just like the prints of a sled-runner—and nobody about here has a sled.'

The shanty was now in an uproar; search must be made immediately; no time must be lost; nobody lived near enough for them to apply for assistance; and they must turn out en masse, themselves. The old woman mounted the fire-ox, armed with a pitch-fork, broom, fine-shovel, meat-axe, and crow-bar. The Corporal got astride of the cow, armed himself with a hand-saw, maul and wedge, sausage chopper, and sythe. Josh straddled a hoop-pole, and carried a double-barrel shot-gun, with the lock broken off, a butcher-knife, boot-jack and screw-driver.

Thus mounted and equipped, the party set out, the old woman leading the van. They followed Squeebob's track, until they came to the wreck of his wheelbarrow.— This the old woman tied behind her on her ox; and they resumed the search.

They hunted, and hunted in vain, until more than half the day was spent, when they retraced their steps in sorrow. But few words were spoken. The old woman's under lip hung down so low that the ox stepped on it, and hurt it severely. The Corporal took snuff, to make him sneeze and bring tears from his eyes, and Josh ran his head into the black swamp mud, as a sign of mourning—not being aware of the fact that he had a sufficient quantity of that article on his face already. The sun was almost down, when the party reached their home. Josh was sent to take care of the animals, while the Corporal and his wife entered the house. When they opened the door, what their surprise upon beholding their lost daughter, Peggy! She had a sugar-trough—the same one that she had sat on while feeding the rooster—full of dough, and was working it with her feet, like brick-makers used to tramp their mud with oxen. She exclaimed, as they entered:

'Why, where on earth are you been gone so long, and what was you doing with the sausage-chopper? Here I must fix for the weddin', and had to chew every bit of the mince-meat with my teeth!'

The old woman was so overjoyed at the sight of Peggy, and her wound lip pained her so much, that she ran out of doors, hunted a clean, soft spot, tumbled over, and went into tantrums. Peggy was forgotten for the time, and no questions were asked as to her whereabouts. All the attention was bestowed upon the old woman. A side-saddle was procured, fastened on the bar, and Josh mounted on it, and despatched for Doctor Owsinout, at Augersham Bend. When he came near the Doctor's house, the fence stumbled, and sent him whirling onward in the air. He saw the Doctor standing in the door, and delivered his message as he flew. Then, by a dexterous movement, he turned himself around, and flew back towards home.

The velocity was not quite sufficient to carry him back; but he remembered having a small quantity in his pocket, which he applied, and reached home in safety.

Just as the shades of night were deepening around, the Doctor was seen approaching, hopping on one leg, and carrying his horse on his shoulder. He tied his horse to a cabbage-head, and after an examination of the old woman, pronounced her disease a severe attack of skooteynomety. He administered a dose of aqua mararolus, and ordered loudly drinks of polly-wog tea; promising to be back again the next evening.

CHAPTER V. THE WEDDING.

It was evening again. The mention of Corporal Skooteye was brilliantly lighted with iron lamps, in which burned double distilled and refined 'possum fat. The guests were all gathered, to witness the marriage ceremony; but the old woman had not recovered. The Doctor was there, and puzzled about her case. He at length thought of a dernier resort. Preacher Grubbinhoe had brought his wind-mill and bake-oven along, the Doctor spoke of putting the old woman in the box on the wind-mill, then turning the crank to shake her well, and start the circulation of the blood; after which, the bake-oven should be heated, and she poked into it, to produce perspiration.

But when he spoke of that, the old woman gave a grunt, opened her eyes, and rolled over. The Doctor said his words had produced a powerful effect upon her; Grubbinhoe declared that it was a 'wonderful miracle'; but, had it happened in our day, the cause could no doubt be explained by means of Mesmerism and the Spiritual Rappings. Again she opened her eyes, and asked:

'Peggy, did you milk the cow?'

'No; the pig sucked her rgin,' was the answer.

The old woman gave a scream, and rushing out of the house, seized a spade, jumped into the hog-pen, and gave the hog a severe punneling.

'Why did you tell her that?' asked the Doctor of Peggy, her excitement might prove fatal.

'Oh, the hog didn't suck the cow,' answered Peggy; 'but it always makes marm so mad, when it does happen, that I thought if anything would bring her to, that would. You see, it started the calculation of the blood, and perduced inspiration!'

Peggy was right. Her plan brought the old woman straight. They were now ready for the wedding. Preacher Grubbinhoe spelled out the certificate authorizing him to marry Nicodemus Squashins, Blacksmith's Student, of Frog-Town, to Peggy, daughter of Corporal Ebenezer Skooteye, and Betsy, his wife, of Tadpole Swamp—all of the State of Darke County, SS.—Nicodemus had brought a log-sled, drawn by three oxen, to convey them to Massissinewa, the next morning—the supper was waiting on the table—and everything was in readiness for the operation of getting married. This job Grubbinhoe commenced, in original style, and got through in the incredibly short-space of one hour! During this time, besides going through with the marriage ceremony, he preached one sermon, made two prayers, and repeated the baptismal and sacramental service—not forgetting, as soon as he had finished, to pull Nicodemus to one side, and dun him for his twenty-five cents.

As soon as the performance was over, the whole party made a break for the table, and commenced a whole destruction of the eatables.

And here our story ends. As for Mr. Nicodemus Squashins, all we can learn of him is, that he became a 'Squire in the State of Massissinewa, and his descendants became noted for their many inventions of patent spindles, wooden nutmegs, &c.

The Rev. Mr. Grubbinhoe lived to a good round age, and finally died; and there was found in his old homestead a small leather bag, which was supposed to contain the fees of many a marriage ceremony; and as the amount was some three dollars and twenty-five cents, it gave rise to many a law-suit that occupied many a term of Court, as it will many more.

In an obscure corner of the grave-yard of Tadpole Swamp, there may be seen a simple slab, bearing the name of Peggy Squashins; and on a clear, pretty Sunday the maidens and lovers of the village (for Frog-Town has considerably increased in size) may be seen there; and some old man who was known to the poets will recount the story of Peggy Skooteye the maid of Darke county.

SELISHNESS AND BENEVOLENCE.—The selfish man that lives for himself alone, who neither ministers to or cares for the kindly sympathies of others, is like the stagnant pool of water, a lifeless, useless being, fit only to infest the social world with pestilential moral disease; while the benevolent heart, that is ever open to the sympathies of others, and continually sending forth its springs of kindness to minister comfort to needy souls, is like the beautiful lake among the hills, which receives into itself the cool rivulets from the mountains, warms them in its own sunlit bosom, reflects back the smile which adorning heaven bestows on its own loveliness, and then sends forth its gladdened waters, in rejoicing streams, to give new verdure to the plains, and beauty to the meadows below. You will always see fragrant lilies floating on the bosom of such a lake, and cheerful smiles playing on the countenance that radiates the loveliness of such a heart.

John Adams was once called upon for a contribution on behalf of Foreign Missions. 'I have nothing to give for that purpose,' said he, 'but there in this vicinity six ministers—not one of whom will preach in the other's pulpit. Now I will give as much as any other person for the purpose of civilizing and christianizing these clergymen.'

'Said one to an aged friend, I had a letter from a distant correspondent the other day, who inquired if you were in the land of the living.' 'No,' replied the saint-like, venerable man, 'but I am going there. This world is done the world of shadow, and the eternal is the only one of living realities.'

'My notions about life (says Southey) are much the same as they are about traveling—there is a great deal of amusement on the road, but after all, one wants to be at rest.'

The latest story is that told of a Rhode Island speculator, who picked the feathers from a Shanghai hen, spotted her black and yellow, and sold her to a travelling museum for a giraff.

'You bachelors ought to be taxed,' said a lady to a resolute evader of the poor matrimonial. 'I agree with you perfectly, ma'am,' was the reply, 'for bachelorism certainly is a luxury.'

EXTRAORDINARY DELUSION IN A CLERGYMAN.—Wanted by a Rector, who is a disciple of Hahnemann, a Curate, who will undertake the cure of souls by homeopathy—on a corresponding salary.

LAWS OF OHIO.

PUBLISHED BY AUTHORITY.

AN ACT.

Of Jurisdiction and Procedure before Justices of the Peace, and of the duties of Constables in Civil Cases.

Sec. 90. If either the plaintiff or defendant, in their bill of particulars, claim more than twenty dollars, the case may be appealed to the Court of Common Pleas, but if neither party demand a greater sum than twenty dollars, and the case is tried by jury, there shall be no appeal.

Sec. 91. If on appeal by the plaintiff, he shall not recover a larger sum than twenty dollars, exclusive of interest since the rendition of the judgment before the Justice, he shall be adjudged to pay all costs in the Court of Common Pleas, (including a fee of five dollars, to defendant's attorney,) and in case the defendant shall demand a set-off greater than twenty dollars, and he appeal, and do not recover twenty dollars, he shall in like manner pay all costs in the appellate court, including a like fee to the plaintiff's attorney.

Sec. 92. Upon the verdict being delivered to the Justice, and before judgment being rendered thereon, each juror shall be entitled to receive fifty cents at the hands of the successful party, which shall be taxed in the costs against his adversary. When the jury shall be unable to agree upon a verdict, the same compensation shall be paid them by the party calling the jury, and the same shall be taxed in the cost bill against the losing party.

Sec. 93. In all cases which shall be tried by a jury before a Justice of the Peace, either party shall have the right to except to the opinion of the Justice upon any question of law arising during the trial of the cause; and when either party shall allege such exception, it shall be the duty of the Justice to sign and seal a bill containing such exception, if truly alleged, with the point decided, so that the same may be made part of the record in the cause.

Arbitration.

Sec. 94. At any time before trial and judgment rendered, the plaintiff and defendant, consenting thereto, may have the cause submitted to the arbitration of three disinterested men, who shall be chosen by the parties; and if the arbitrators, be present, they shall hear and determine the cause on oath or affirmation, to be administered by the Justice. But if the persons chosen as arbitrators be not present, the Justice shall issue a summons for them to attend at the time and place appointed for the trial, which shall be served by any constable, or the parties, as they may agree. The fees of arbitrators shall be the same as that paid to jurors.

Sec. 95. When the arbitrators shall convene and be qualified they shall proceed to hear and determine the cause, and make out their award in writing, which shall be returned when signed by any two of them, and value the same to the Justice; who shall thereupon enter such award on his docket, and thereupon render judgment and issue execution, as in other cases.

Sec. 96. Every judgment rendered on such award, shall conclude the rights of the parties thereon; unless it shall be made to appear to the Justice of the Peace who rendered such judgment, and within ten days from the rendition of the same, or to the Court of Common Pleas, on appeal, that such award was obtained by fraud, corruption, or other undue means.

Sec. 97. Whenever satisfactory proof shall be had before such Justice within the period aforesaid, that such award was obtained by fraud, corruption, or other undue means, it shall be competent for such Justice to set aside such award and his judgment, thereon rendered, and thereupon proceed to such final trial and judgment, as if such award had never been made.

Sec. 98. But no appeal shall be allowed to the court of common pleas, from a judgment of a Justice of the peace rendered on an award, unless the party praying such appeal shall file with such Justice an affidavit, therein stating that he or she does verily believe that such award was obtained by fraud, corruption; or other undue means.

Sec. 99. And if on appeal from the judgment of a Justice rendered on any such award, the court of common pleas shall be satisfied that the award was obtained by corruption, or other undue means, such court shall set aside the award, and proceed to hear and determine the cause on the merits, as in other cases of appeal.

Sec. 100. But if the said court shall be of opinion that the award was not obtained by fraud, corruption or other undue means, they shall render judgment thereon and for the costs of suit; and award execution as in other cases.

Trial of the right of property held on or attached.

Sec. 101. When a case shall be brought on or attach property, claimed by any person or persons, other than the party against whom the attachment or attachment issued, the claimant or claimants shall give three days notice, in writing, to the plaintiff or his attorney, if not found within the county, then such notice shall be served by leaving a copy thereof at his usual place of abode in such county, of time and place of the trial of the right to

such property, which trial shall be had before some Justice of the township at least one day prior to the time appointed for the sale of such property.

Sec. 102. If on the trial the Justice shall be satisfied from the proof that the property, or any part thereof, belongs to the claimant or claimants, such Justice shall render judgment against the party in whose favor such execution or attachment issued for the costs, and issue execution therefor, and shall, moreover, give a written order to the constable who levied on, or who may be charged with the duty of selling such property, directing him to restore the same, or so much thereof as may have been found to belong to such claimant or claimants.

Sec. 103. But if the claimant or claimants fail to establish his or their right to such property or to any part thereof, the Justice shall render judgment against such claimant or claimants for the costs that have accrued on account of such trial, and issue execution therefor, and the constable shall not be liable to the claimant or claimants for the property so taken.

**ARTICLE VIII.
Judgments.**

Sec. 104. Judgments that the action be dismissed without prejudice to a new action may be entered with costs, in the following cases:

1—When the plaintiff voluntarily dismisses the action before it is finally submitted.

2—When he fails to appear at the time specified in the summons, or upon adjournment, or within one hour thereafter.

3—When it is objected at the trial and appears by the evidence that the action is brought in the wrong township.

Sec. 105. If the plaintiff fail to appear at the return day of the summons, and his bill of particulars be not filed and evidence before the Justice, the action must be dismissed. If the defendant fail to appear at the return day of the summons or if either party fail to attend at the time to which a trial has been adjourned, or fail to make the necessary bill of particulars, or fail in the proof on his part, the cause may proceed at the request of the adverse party, and judgment must be given in conformity with the bills of particulars and proof.

Sec. 106. When judgment shall have been rendered against a defendant in his absence, the same may be set aside, upon the following conditions:

1—That his motion be made within ten days after such judgment was entered.

2—That he pay or confess judgment for the costs awarded against him.

3—That he notify in writing the opposite party, his agent or attorney, or cause it to be done, of the opening of such judgment and of the time and place of trial at least five days before the time if the party reside in the county, and if he be not a resident of the county by leaving a written notice thereof at the office of the Justice ten days before the trial.

Sec. 107. Upon a verdict the Justice must immediately render judgment accordingly. When the trial is by the Justice, judgment must be entered immediately after the close of the trial if the defendant has been arrested or his property attached; in other cases it must be entered either at the close of the trial or if the Justice then desire further time to consider, on or by the fourth day thereafter, both days inclusive.

Sec. 108. When the amount due to either party exceeds the sum for which the Justice is authorized to enter judgment, such party may remit the excess of judgment may be entered for the residue. A defendant need not remit such excess, and may withhold setting the same off, and a recovery for the amount set off and allowed, or any part thereof, shall not be a bar to his subsequent action for the amount withheld.

Sec. 109. If the defendant any time before trial offer in writing to allow judgment to be taken against him for a specified sum, the plaintiff may immediately have judgment therefor with the costs then accrued. But if he do not accept such offer before the trial and fail to recover in the action a sum equal to the offer, he cannot recover costs accrued after the offer, but costs must be adjudged against him. But the offer and failure to accept, it cannot be given in evidence to affect the recovery otherwise than as to costs as above provided.

Sec. 110. Where judgment is rendered in a case where the defendant is subject to arrest and imprisonment, it must be so stated in the judgment, and entered in his docket.

ARTICLE IX. Appeals.

Sec. 111. In all cases not otherwise specially provided for by law, either party may appeal from the final judgment of any Justice of the peace to the court of common pleas of the county, where the judgment was rendered.

Sec. 112. The party appealing shall, within ten days from the rendition of the judgment, enter into an undertaking to the adverse party with at least one good and sufficient surety to be approved of by such Justice, in a sum not less than fifty dollars in any case, nor less than double the amount of the judgment and costs if awarded.

Sec. 113. That the appellant will prosecute his appeal to effect, and without unnecessary delay.

2—That if judgment be adjudged against him on the appeal; he will satisfy such judgment and costs.

Such undertaking need not be signed by the appellant.

Sec. 114. And the said Justice shall make out a certified transcript of his proceedings, include the undertaking taken for such appeal and shall, on demand, deliver the same to the appellant, or his agent, who shall deliver the same to the clerk of the court to which such appeal may be taken, on or before the second day of term thereof, next following such appeal; and such Justice shall also deliver or transmit the bill or bills of particulars, the depositions, and all other original papers, if any, used on the trial before him, to such clerk, or before the said second day of term; and all further proceedings before the Justice of the Peace, in that case, shall cease and be stayed, from the time of entering into such undertaking.

Sec. 115. The clerk, on receiving such transcript, and other papers as aforesaid shall file the same, and docket the appeal.

Sec. 116. The plaintiff in the case below shall be plaintiff in the Court of Common Pleas; and the parties shall proceed, in all respects, in the same manner as though the action had been originally instituted in the said court.

Sec. 117. If the appellant shall fail to deliver the transcript, and other papers, if any, to the clerk, and have his appeal docketed as aforesaid, on or before the second day of the term of said court, next after such appeal, the appellee may at the same term of said court, file a transcript of the proceedings and judgment of such Justice, and the said cause shall, on motion of the appellee, be docketed, and the court is authorized and required, on his application, either to enter up a judgment in his favor, similar to that entered by the Justice of the Peace, and for all costs that have accrued in the court, and award execution thereon, or such court may, with the consent of such appellee, dismiss the appeal, at the costs of the appellant, and remand the cause to the Justice of the Peace, to be thereafter proceeded in as if no appeal had been taken.

Sec. 118. If the plaintiff, in the action before the Justice, shall appeal from any judgment rendered against such plaintiff, and after having filed his transcript and caused such appeal to be docketed, according to the provisions of this act, shall fail to file a petition or otherwise neglect to prosecute the same to final judgment, so that such plaintiff shall become non-suit; it shall be the duty of the court to render judgment against such appellant, for the amount of the judgment rendered against him by the Justice of the Peace, together with interest, accrued thereon, and for costs of suit, and to award execution thereof, as in other cases.

Sec. 119. If both parties fail to enter such appeal within the time limited as aforesaid, the Justice, on receiving a certificate from the clerk of the court, stating that the appeal was not entered, or being entered was dismissed as aforesaid, shall thereupon issue execution upon the judgment, in the same manner as if such appeal had never been taken.

Sec. 120. If any person appealing from a judgment rendered in his favor, shall not recover a greater sum than the amount for which judgment was rendered before costs and the interest thereon, thereon every such appellant shall pay the costs of such appeal.

Sec. 121. When any appeal shall be docketed, or when judgment shall be entered in the court of common pleas against the appellant, the surety in the undertaking shall be liable to the appellee for the whole amount of the debt, costs and charges, recovering against the appellant.

Sec. 122. When an appeal taken to the Court of Common Pleas shall there be quashed by reason of irregularity in taking or consummating the same the cause for quashing shall be stated in the order of the court, and a transcript of such order shall be lodged with each Justice, who shall thereupon proceed to issue execution in the same manner as if no appeal had been taken.

Sec. 123. In proceedings on appeal, when the surety in the undertaking shall be insufficient, or such undertaking may be insufficient, in form or amount, it shall be lawful for the court, on motion, to order a change or renewal of such undertaking, and direct that the same be certified to the Justice from whose judgment the appeal was taken, or that it be recorded in said court.

Sec. 124. Appeals in the following cases shall not be allowed:

1—On judgments rendered on confession.

2—In jury trials where neither party claim in their bill of particulars a sum exceeding twenty dollars.

3—In the action for the forcible entry and detention, or forcible detention of real property.

4—In