

such sureties, and for requiring additional security in any case, as they may deem proper.

35. In case any such bond shall be rejected, the court or judge rejecting the same shall have a discretionary power to grant further time to the party to file another bond; and if upon indulgence the party shall file a new bond which shall be approved, the supersedeas thereupon granted shall have a relation back to the day of the filing the first bond.

36. No bond required by this article to be executed for the purpose of staying or delaying execution upon any judgment or decree which shall be approved, shall be avoided for any matter of form.

37. Any judgment confessed before a justice of the peace for staying execution, on any judgment or decree in any Circuit Court, or the Superior Court or Court of Common Pleas of the city of Baltimore, may be appealed from, or a writ of error thereon may be brought in like manner, and there shall be the same proceedings to stay execution thereon as herein prescribed in relation to judgments rendered in courts of law; and the bond entered into on making the appeal or suing out the writ of error, and the sureties therein, shall be approved by the clerk of the court in which the original judgment or decree was rendered.

38. The bond, which any appellant, who may die pending any appeal or writ of error, shall have executed for the prosecuting an appeal, or suing forth a writ of error, and the securities therein, shall be liable and answerable to the appellee, his executors, administrators or assigns, for the due prosecution of the said appeal or writ of error.

APPEALS FROM ORPHANS' COURTS.

39. In all decrees, orders, decisions and judgments made by the Orphans' Court, the party who may deem himself aggrieved by such decree, order, decision or judgment, may appeal to the Court of Appeals; *Provided*, such appeal be made within thirty days after such decree, order, decision or judgment.

40. If the decree, order, decision or judgment shall have been given or made on a summary proceeding, and on the testimony