

1904. art. 5, sec. 92. 1888. art. 5, sec. 89. 1860, art. 5, sec. 56. 1791, ch. 68, sec. 4. 1829, ch. 236. 1852, ch. 239, sec. 3.

92. No appeal from a judgment of a justice of the peace shall stay execution, unless an appeal bond, in double the sum recovered, with approved and sufficient security, be filed with the justice, with condition that if the party appealing shall not prosecute his appeal at the next circuit court for the county, or the next term of the Baltimore city court, with effect, and also pay and satisfy the party in whose behalf the judgment of the justice shall be given, his executors, administrators or assigns, in case the said judgment shall be affirmed, as well the debt, damages and costs adjudged by the justice from whose judgment such appeal shall be made, as also all costs and damages that shall be awarded by the court before whom such appeal shall be heard, tried and determined, then the said bond to be and remain in full force and virtue, otherwise to be of none effect.

An appeal bond is necessary to stay execution in a replevin suit. *State v. Carrick*, 70, Md. 591.

No recovery can be had on an appeal bond conditioned to prosecute an appeal from the judgment of a court which has no existence; such a bond does not operate to stay execution. *Tucker v. State*, 11 Md. 329.

For a case construing the act of 1829, ch. 236. see *Brewer v. Smith*. 3 Gill. 304.

Cited but not construed in *Harris v. Register*. 70 Md. 116; *O'Neale v. Long*, 4 Cranch. 60.

See sec. 53, *et seq.*

Ibid. sec. 93. 1888, art. 5, sec. 90. 1860, art. 5, sec. 57. 1825, ch. 68, sec. 1.

93. When an appeal bond shall be filed with sufficient securities, the said appeal shall operate as a *supersedeas* to any execution on said judgment, notwithstanding a levy may have been made; provided the said appeal shall be taken and the bond filed within sixty days after judgment, and the party appellant first pays or tenders payment to the officer making such levy, of all legal fees which shall have accrued on said levy.

It is no defense to a suit on the bond that it was executed more than sixty days after judgment entered. Object of the act of 1825, ch. 68. *Brewer v. Smith*, 3 Gill, 302.

Ibid. sec. 94. 1888, art. 5, sec. 91. 1860, art. 5, sec. 58. 1849, ch. 78, sec. 1.

94. If the justice of the peace rendering any judgment appealed from, goes out of office, by death or otherwise, before an appeal bond has been executed by the party appealing, such appeal bond may be executed before any other justice in the same county or city, and such bond shall have the same effect as if executed before the justice rendering the judgment appealed from.

Ibid. sec. 95. 1888, art. 5, sec. 92. 1867, ch. 164. 1900, ch. 360. 1902, ch. 144. 1902, ch. 474.

95. Before any of the circuit courts of this State or the Baltimore city court shall proceed to hear or try cases brought to their respective courts by appeal from the judgments of justices of the peace, they shall first be satisfied that all costs incurred on the judgments and proceeding