

The *supersedeas* operates as a stay of execution, and is itself a judgment on which execution may issue by order of court. *Bowes v. Isaacs*, 33 Md. 539; *Backus v. State*, 118 Md. 540.

See art. 52, sec. 59, *et seq.*

An. Code, sec. 29. 1904, sec. 28. 1888, sec. 26. 1860, ch. 132, sec. 2.

**33.** It shall be the duty of the clerks of the respective courts and of the justices of the peace, in taking the *supersedeas* of any judgment, to accept no party as a superseder unless satisfied that he is worth in real or personal estate, over and above his actual debts, the full amount of the judgment proposed to be superseded.

The clerk acts under this section, in pursuance of a special authority which may be exercised in or out of court. *Bowes v. Isaacs*, 33 Md. 539; *Smith v. Bowes*, 38 Md. 465.

This section referred to in construing sec. 32. *Backus v. State*, 118 Md. 542.  
See notes to sec. 32.

An. Code, sec. 30. 1904, sec. 29. 1888, sec. 27. 1860, ch. 132, sec. 3.

**34.** It shall not be lawful for the justices of the peace of the city of Baltimore to take *supersedeas* of any judgment recovered in the court of common pleas, the superior court of Baltimore city, or the Baltimore city court, or of any decree entered in the circuit court or circuit court No. 2 of Baltimore city, but such *supersedeas* shall be taken by the clerks of said courts, respectively.

See art. 52, sec. 59, *et seq.*

An. Code, sec. 31. 1904, sec. 30. 1888, sec. 28. 1853, ch. 412.

**35.** The clerks of the several circuit courts for the counties, the clerk of the court of common pleas, and of the circuit court and circuit court No. 2 of Baltimore city shall each have concurrent power with the judge of his court to pass all orders *nisi* for the ratification of auditor's reports and accounts, but not final orders.

An. Code, sec. 32. 1904, sec. 31. 1888, sec. 29. 1852, ch. 173, sec. 1.

**36.** The clerks of the circuit courts for the counties, and the clerk of the circuit court and circuit court No. 2 of Baltimore city, and of the court of common pleas may each pass all orders *nisi* for the ratification of sales made and reported under decrees or orders of the court of which he is clerk, but not final orders.

An. Code, sec. 33. 1904, sec. 32. 1888, sec. 30. 1852, ch. 173, sec. 2.

**37.** Every clerk may issue commissions to take testimony in common-law cases to the standing commissioners appointed by his court for that purpose, and, if the parties agree thereto in writing, may issue a commission to any person or persons named in such agreement.

If the clerk in issuing the commission writes the defendant's name as "John Turner," whereas it should have been "John Peterson," and there is nothing to show that there is no case in the court against "John Turner," the commission is not evidence. *Ellicott v. Peterson*, 4 Md. 485.

See art. 35, sec. 19, *et seq.*