

required to furnish such briefs, at the time of delivery thereof, to the clerk, and before argument; and any party failing to comply with this section shall be considered in default under the rules of court, for not furnishing briefs as thereby required.

See notes to sec. 55.

An. Code, 1924, sec. 55. 1912, sec. 51. 1904, sec. 51. 1888, sec. 49. Rule 40.

**55.** Either party may file written or printed arguments in any cause pending in the court of appeals, but the cost of such arguments shall not be taxed as part of the costs of the cause excepting as provided for in Rule 38. A sufficient number of printed copies of the argument shall be furnished for the court, the counsel concerned, the reporter and the clerk. If the party filing the argument think proper, he may have the printing done on the best terms he can make; provided it be in good, clear, readable type; but if the clerk of the court of appeals be required to have the argument printed, he shall be entitled to charge therefor the actual cost of printing the same, and be entitled to demand the amount of said cost before having the same printed. But in no case shall a brief or argument be received, either through the clerk or otherwise, after the cause has been argued or submitted, unless it be upon special leave granted in open court, after notice to opposing counsel.<sup>1</sup>

A long established course of construction treats the cost of printing briefs as taxable in the case, while this section seems to exclude the cost of printed arguments from being so taxed; loose use of terms "briefs" and "printed arguments"; lower court bound by decision of court of appeals as to costs. *Maloy v. McLean*, 140 Md. 308.

A brief as defined by Rule 39 of the court of appeals, is "an abstract of the case and a full and explicit statement of the several points relied on, with the authorities sustaining them, accurately cited, and distributed under their proper head." A portion of the cost of a brief, more elaborate than this rule justifies, eliminated from the costs taxed. *Jordan v. Piano Co.*, 140 Md. 214.

An. Code, 1924, sec. 56. 1912, sec. 52. 1904, sec. 52. 1888, sec. 50. 1862, ch. 122.

**56.** The court of appeals shall, upon the application of any appellant or appellee in any case there depending, and on proper cause shown to said court, for that purpose, have power to order and direct the clerk of the court from which said appeal may have been taken, to produce, by himself or some person authorized by him, to the said court of appeals, for inspection upon the trial of the said case, any original paper, map or plat filed in the court below in said case, a copy whereof is set forth in the record sent to the said court of appeals; the cost of such production, in every case, to be paid by the party applying for the production of said paper.

Under this section, the court may verify or correct the printed record, by referring to the original documents. *Bowman v. Little*, 101 Md. 316.

This section carried out. *Gordon v. Smith*, 103 Md. 318.

### Appeal Bonds.

An. Code, 1924, sec. 57. 1912, sec. 53. 1904, sec. 53. 1888, sec. 51. 1713, ch. 4, sec. 2. 1811, ch. 171. 1826, ch. 200, sec. 1.

**57.** No execution upon any judgment or decree in any court of law or equity shall be stayed or delayed, unless the person against whom such judgment or decree shall be rendered or passed, his heirs, executors, or administrators, or some other person in his or their behalf, shall immediately, upon praying an appeal from any such judgment or decree, or suing out a writ of error upon any such judgment, enter into bond with sufficient securities in at least double the sum recovered by such judgment or decree,

<sup>1</sup> As revised by Court of Appeals, Oct. 5, 1933.