An. Code, 1924, sec. 59. 1912, sec. 55. 1904, sec. 55. 1888, sec. 53 1840, ch. 232. 1861, ch. 17. 1862, ch. 249. 1864, ch. 268.

59. The filing of an appeal bond approved as aforesaid and of said affidavit shall stay any execution which has been issued on any such judgment or decree, whether the same has been in part executed or not; and the sheriff or other officer in whose hands the execution may be, upon the exhibition to him of satisfactory evidence that an appeal bond has been filed and approved, and that said affidavit has been filed, and upon the receipt of the costs which have accrued on said execution, shall stay all further proceedings, and deliver up the property; provided, that this section shall not extend to appeals from courts of common law rendered by confession, or to any judgment rendered on verdict, unless a bill of exceptions has been taken, or a motion in arrest of judgment has been overruled.

This section presupposes the taking of an appeal in due time. The non-payment of the costs of execution does not destroy the effect of the bond as a stay of execution. Eakle *v.* Smith, 24 Md. 361.

The running of the statute of limitations is not arrested pending the stay of execution. Kirkland *v.* Krebs, 34 Md. 96.

Cf. sec. 68, and notes; sec. 33 and notes; and sec. 99 and notes.

An. Code, 1924, sec. 60. 1912, sec. 56. 1904, sec. 56. 1888, sec. 54. 1826, ch. 200, sec. 15.

60. The courts of law and equity and the judges thereof, in vacation, shall have full power and authority to examine into and determine on the sufficiency of the sureties to any bond filed in the offices of the said courts, respectively, under this article, and the said courts may from time to time make such rules and orders for the justifying or proving the sufficiency of such sureties, and for requiring additional security in any case, as they may deem proper.

If the bond gives the appellee a secure indemnity (collectively where there is more than one surety), the bond is sufficient. Barnum *v.* Raborg, 2 Md. Ch. 528.

The bond being insufficient, the appellee may apply to the lower court to compel the execution of another one, but if the appellee fails to do so, the court of appeals is powerless. Fullerton *v.* Miller, 22 Md. 9.

Bond held sufficient. Ringgold's case, 1 Bl. 5.

An. Code, 1924, sec. 61. 1912, sec. 57. 1904, sec. 57. 1888, sec. 55. 1826, ch. 200, sec. 16.

61. 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 relation back to the day of the filing of the first bond.

An. Code, 1924, sec. 62. 1912, sec. 58. 1904, sec. 58. 1888, sec. 56. 1826, ch. 200, sec. 17.

62. 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.

An. Code, 1924, sec. 63. 1912, sec. 59. 1904, sec. 59. 1888, sec. 57. 1826, ch. 200, sec. 11.

63. 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.

See sec. 81, *et seq.*; also sec. 94.