

the said judgment or decree shall be affirmed, as well as the debt, damages and costs, or the damages or sum of money or other matter or thing, and costs adjudged in the court from which the appeal is taken, or writ of error allowed, as also all damages and costs that may be awarded by the Court of Appeals, then the said bond to be and remain in full force and virtue, otherwise of no effect.

62. The clerk or judge of any court of law or equity, shall approve any bond under the preceding section, but no appeal bond in any case shall be approved, and no execution upon any judgment, order or decree in any of the courts of law or equity, shall be stayed or delayed by an appeal, unless the person or persons against whom such judgment, order or decree has been recovered or passed, his heirs, executors or administrators shall, upon praying such appeal, file in the case an affidavit that said appeal is not taken for delay.

1864, c 322
No appeal bond to be approved, nor execution stayed, unless affidavit that appeal is not for delay

63. The filing of an appeal bond approved as aforesaid 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, shall, upon the exhibition to him of satisfactory evidence that an appeal bond has been filed and approved, and upon the receipt of the costs which have accrued on said execution, 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.

Art 5, s 33
1840, c 232,
1861, c 17,
1862, c 249,
1864, c 268
Effect of filing appeal bond.
22 Md 1
24 Md 339.

Proviso.

64. 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.

Art 5, s 34
1826, c 200, s 15.
Courts of law and equity, and judges thereof, in vacation, to determine sufficiency of bond.
2 Md Chan
Dec 516

Additional security may be required

65. 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 superseas thereupon granted shall have a relation back to the day of the filing the first bond.

Art 5, s 35.
1826, c 200, s 16.
Court may give time to renew bond.

66. 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.

Art 5, s 36
1826 c 200, s 17.
Bond not to be avoided for form.

67. The bond which any appellant who may die pending any appeal or writ of error, shall have executed for the prosecuting an appeal, or applying for 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.

Art 5, s 38
1826, c 200, s 11
If appellant die, bond liable