

and appeals from judgments in criminal cases may be taken in the same manner as in civil cases; but no appeal in a criminal case shall stay execution of sentence unless the counsel for the accused shall make oath that the appeal is not taken for delay; and such appeal shall be heard at the earliest convenient day after the same shall have been transmitted to the court of appeals; and the accused, upon taking such appeal, shall, in all cases not punishable by death, or imprisonment in the penitentiary, be entitled to remain on bail, and in other cases not capital, the court from which the appeal is taken shall have the discretionary power to admit to bail; provided that nothing herein contained shall be construed to prohibit the court from requiring additional or greater bail, pending an appeal, than the accused may already have given before conviction.

*Davis v. State*, 38 Md. 15. *Nicholson v. State*, 38 Md. 151. *Deckard v. State*, 38 Md. 186. *Weir v. State*, 39 Md. 434. *Wheeler v. State*, 42 Md. 563. *Smith v. State*, 44 Md. 530. *Dulaney v. State*, 45 Md. 99. *Broll v. State*, 45 Md. 356. *Rhinehart v. State*, 45 Md. 454. *Archer v. State*, 45 Md. 457. *Kearney v. State*, 46 Md. 422. *State v. Carter*, 49 Md. 8. *State v. Shields*, 49 Md. 301. *Forwood v. State*, 49 Md. 531. *Gibson v. State*, 54 Md. 447. *Johns v. State*, 55 Md. 350. *Bell v. State*, 57 Md. 108. *Crouse v. State*, 57 Md. 328. *Neff v. State*, 57 Md. 385. *Chesapeake Club v. State*, 63 Md. 446. *Prest, Managers & Co of Balto & Yorktown Turnpike Road v. State*, 63 Md. 573. *Swain v. State*, 64 Md. 423. *State v. Bowers*, 65 Md. 363. *State v. Long*, 65 Md. 365. *Stevens v. State*, 66 Md. 205. *Lamb v. State*, 66 Md. 289. *Stout v. State*, 76 Md. 319. *Avirett v. State*, 76 Md. 515. *Izer v. State*, 77 Md. 111. *Annapolis v. Howard*, 80 Md. 245. *State v. Floto*, 81 Md. 602. *Mitchell v. State*, 82 Md. 531. *Salfner v. State*, 84 Md. 301. *State v. Williams*, 85 Md. 233. *Fox v. State*, 89 Md. 384.

1888, art. 5, sec. 78. 1878, ch. 40.

**81.** Whenever any writ of error or appeal shall be brought upon any judgment, or any indictment, information, presentment, inquisition or conviction in any criminal case, and the court of appeals shall reverse the judgment for error in the judgment, or sentence itself, it shall be the duty of the court of appeals to remit the record to the court below, in order that such court may pronounce the proper judgment upon such indictment, information, presentment, inquisition, or conviction; provided, however, that it shall be the duty of the court in passing any sentence under the provisions of this section to deduct from the term of sentence the time already served by the prisoner under the previous sentence from the date of his conviction.

*Lynn v. State*, 84 Md. 83