

sion on the part of the appellant or plaintiff in error, the said record shall not be sent to the Court of Appeals within nine months after the appeal has been entered, or writ of error produced, the court from which the appeal was taken may, on motion, strike out the entry of such appeal, and proceed to execution, or other proceedings, as if such appeal had never been entered, and thereafter no other appeal or writ of error shall be allowed.

3. 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.

Passed March 10, 1864.

Chapter 268 suspends the operation of the proviso to section 33, relating to stay of execution, (I. Supplement, 18-26.) See Article XXIX.

ARTICLE IX.

Assignment of Choses in Action.

Chapter 243 adds the following section, to follow the 7th section of this Article:

SEC. 1. In any case where judgment shall be recovered by the State against any principal debtor and a surety or sureties, and said judgment shall be satisfied by said surety or sureties, the same shall be entered by the attorney representing the State to the use of the surety or sureties satisfying the same, on the said attorney filing in the case a certificate of the Comptroller stating that said judgment has been so satisfied, and said surety or sureties shall then be entitled to execution in his or their own name or names against the principal and the other sureties, in the same manner and subject to the same provisions provided in the two last preceding sections.

Passed March 10, 1864.