

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.

32. 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 staid 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.

In force from June 1, 1864.

APPEALS FROM JUSTICES OF THE PEACE.

1867, c. 164 enacts as follows:

59. Before any of the circuit courts of this state or the court of common pleas of the city of Baltimore, shall proceed to hear or try cases brought to their respective courts, by appeal from the judgments of justices of the peace, they shall first be satisfied that all costs incurred on the judgment and proceedings before the justice aforesaid, shall have been paid by the appellant.

1867, c. 164.

Costs below to be paid by appellant before hearing above.

In force from March 21, 1867.

NOTE —As to the acts of 1861, c. 17, 1862, c. 249 and 1864, c. 268 suspending the operation of the proviso of section 33, see note under Public General Laws, Art. XXIX, Courts.