or stayed, unless a bond shall be given in such penalty and condition, and with such security as the court may prescribe and approve.

An appeal lies from an order removing a trustee and dismissing the petition in insolvency. Van Nostrand *v.* Carr, 30 Md. 128. See also, Teackle *v.* Crosby, 14 Md. 22.

While the appeal must be taken within thirty days, the bond may be filed afterwards. Willis *v.* Bryant, 22 Md. 373.

An appeal, if not taken within 30 days, will be dismissed, unless the delay was due to the clerk. Sparks' Appeal, 18 Md. 418; State *v.* Mister, 5 Md. 16; Glenn *v.* Chesapeake Bank, 3 Md. 475.

It has not been the practice to exclude Sundays in computing time under this section. American Tobacco Co. *v.* Strickland, 88 Md. 510.

As to special hearings, see sec. 44.

As to the right of appeal in insolvency cases, see art. 47, sec. 31.

1904, art. 5, sec. 8. 1888, art. 5, sec. 8. 1860, art. 5, sec. 13. 1849, ch. 88, sec. 4. 1854, ch. 193, sec. 20.

8. The court from whose judgment or order under the insolvent laws an appeal shall be taken shall immediately, upon the entry of such appeal, certify and state the questions in and decided by such court; and no question which shall not appear by such certificate to have been raised in said court, shall be considered by the court of appeals.

A bill of exceptions, taken and signed in the regular way, is a certificate within the meaning of this section. Castleburg *v.* Wheeler, 68 Md. 271. See also, Bradford *v.* Jones, 1 Md. 372.

If the opinion of the court clearly shows what was decided and the grounds of the rulings, it amounts to a sufficient certificate. McHenry *v.* McVeigh, 56 Md. 580.

If there be no certificate (or its equivalent), the appeal will be dismissed. Waters *v.* Momenthy, 68 Md. 172; Geary *v.* Hignutt, 32 Md. 556; Wright *v.* Kuhn, 20 Md. 424.

The court of appeals has no power to pass an order directing the lower court to issue the certificate. Waters *v.* Momenthy, 68 Md. 172.

Cited but not construed in Gable *v.* Scott, 56 Md. 180; Jaeger *v.* Requardt, 25 Md. 240 .

See notes to sec. 7.

Ibid. sec. 9. 1888, art. 5, sec. 9. 1860, art. 5, sec. 12. 1825, ch. 117, sec. 1. 1862, ch. 154. Rule 4.

9. In no case shall the court of appeals decide any point or question which does not plainly appear by the record to have been tried and decided by the court below; and no instruction actually given shall be deemed to be defective by reason of any assumption therein of any fact by the said court, or because of a question of law having been thereby submitted to the jury, unless it appear from the record that an objection thereto for such defect, was taken at the trial; nor shall any question arise in the court of appeals as to the insufficiency of evidence to support any instruction actually granted, unless it appear that such question was distinctly made to and decided by the court below.

Application of this section.

This section applies to appeals at law and not in equity. Wicks *v.* Westcott, 59 Md. 279. And see Davis *v.* Leaf, 2 G. & J. 306.

The Act of 1825, ch. 117, does not apply to appeals from the orphans' court. Cover *v.* Stockdale, 16 Md. 1.

This section has no application to an appeal from a judgment of condemnation in attachment. Mears *v.* Adreon, 31 Md. 235; McCoy *v.* Boyle, 10 Md. 396.