

The bond is only to stay the proceedings and has nothing to do with the right of appeal. *Baltimore v. B. & O. R. R. Co.*, 21 Md. 52. See also, *Lee v. Pindle*, 11 G. & J. 364.

The proviso clause of this section, applied. *Washington County v. School Commissioners*, 77 Md. 292.

For a discussion of the meaning and purpose of this section, see *Blondheim v. Moore*, 11 Md. 371.

Prior to the adoption of this section, bonds were accepted by analogy to the practice at law, and such bonds stayed the proceedings. *Fullerton v. Miller*, 22 Md. 1.

Cited but not construed in *Brendel v. Zion Church*, 71 Md. 85; *McLuckie v. Williams*, 68 Md. 265.

See sec. 53. *et seq.*, and sec. 64; *et seq.*

1904, art. 5, sec. 30. 1888, art. 5, sec. 28. 1860, art. 5, sec. 24. 1830, ch. 185, sec. 1.

30. In case a party intends, on an appeal from a final decree or order in the case, to dispute any previous order, and desires to stay the operation of such order, he shall state his intention to dispute the same, in writing, to be filed with the clerk, and shall give bond in such penalty as the court may prescribe, with security to be approved by the court or the clerk, to indemnify the other party from all loss and injury which such party may sustain by reason of the staying of the operation of such order.

The filing of the bond does not suspend the enforcement of an order for counsel fees and alimony. *Chappell v. Chappell*, 86 Md. 540.

The object of the appeal bond is to suspend the operation of the previous order, until a final decree is passed. An appeal taken directly from such order will be dismissed. *Lee v. Pindle*, 11 G. & J. 364; *Dugan v. Gittings*, 3 Gill, 154.

Cited but not construed in *Baltimore v. Weatherby*, 52 Md. 449.

Ibid. sec. 31. 1888, art. 5, sec. 29. 1860, art. 5, sec. 25. 1832, ch. 197.
1843, ch. 73. 1868, ch. 102.

31. Whenever any court having equity jurisdiction shall refuse to grant an injunction according to the prayer of the bill or petition filed in the cause, an appeal may be taken from such refusal by any party aggrieved thereby, and such right of appeal shall not be prejudiced by the filing of an answer to the said bill or petition on behalf of any opposing party, nor by the taking of depositions in reference to the allegations of the bill or petition to be read on the hearing of the application for an injunction; and the said appeal shall be heard on a transcript of the said bill or petition, with such other papers or proceedings in the cause as may be necessary for the purposes of the appeal, and so soon as conveniently may be after such transcript shall have been filed in the court of appeals.

Where the court instead of hearing an application for an injunction immediately, sets a subsequent date for the hearing meanwhile issuing a restraining order, and at the hearing refuses the injunction, an appeal lies under this section. *Bonaparte v. Baltimore, etc.*, R. R. Co., 75 Md. 343.

The history of this section, traced. An appeal lies from an order refusing to grant an injunction *ex parte*. *Chesapeake Telephone Co. v. Baltimore*, 89 Md. 707. And see *Webster v. Susquehanna Pole Line Co.*, 112 Md. 423.

Prior to the Act of 1868, ch. 102, no appeal lay from an order refusing an injunction after answer filed. *Barnum v. Gordon*, 28 Md. 97; *Krone v. Krone*, 27 Md. 81; *Steigerwald v. Winaus*, 17 Md. 65.