

A decree exonerating certain mortgaged lots from sale until the exhaustion of other mortgaged properties, is not open for revision under this section. *Gardiner v. Baltimore*, 96 Md. 382; *Hopper v. Smyser*, 90 Md. 379.

This section explained. *Wylie v. Johnston*, 29 Md. 303.

Cited but not construed in *Baltimore v. Weatherby*, 52 Md. 449; *Vickers v. Tracey*, 22 Md. 199.

This section and sec. 30 construed—see notes to sec. 30. *Bliss v. Bliss*, 133 Md. 68. See notes to secs. 30 and 31.

An. Code, sec. 29. 1904, sec. 29. 1888, sec. 27. 1830, ch. 185, sec. 1. 1845, ch. 367, sec. 1. 1853, ch. 374. 1890, ch. 32.

33. No appeal from any decree or order shall stay the execution or suspend the operation of such decree or order, unless the party praying the appeal shall give bond, with security, to indemnify the other party or parties from all loss or injury which said party or parties may sustain by reason of such appeal and the staying the execution or operation of such decree or order; such bond to be approved by the judge or clerk of the court where the proceedings are pending, and the penalty to be fixed by such court, and upon giving such bond the appeal shall stay the operation of all such decrees or orders; provided, however, that if in its discretion the court in which such proceedings are pending shall decide that the case is not a proper one for such stay, such court may pass an order upon such terms (as to duration, keeping an account, giving security, etc.) as to it may seem fit, directing that the decree or order appealed from shall not be stayed by such appeal, or only so far or on such terms as the court shall therein direct.

The rights of a purchaser of property at a judicial sale are not affected even if the order of ratification of the sale is reversed, if a bond is not given to stay the proceedings; effect of last portion of this section. Purchaser not relieved from liability for interest and expenses from day of sale. *Raith v. Bldg. & Loan Assn.*, 140 Md. 545.

The matter of staying the effect of an appeal under this section is, in the discretion of the lower court, and the action of the lower court may not be reviewed on appeal. *Forbes v. Warfield*, 130 Md. 406; *Crownfield v. Phillips*, 125 Md. 2.

The failure of an appellant to stay the operation of a decree as authorized by this section, pointed out. *Kong v. Baltimore*, 128 Md. 475.

An appeal from an order of a court of equity directing a sale of property, does not stay the proceedings unless an appeal bond is filed or a stay procured. *Middendorf v. Refrigerating Co.*, 117 Md. 25.

The giving of bond stays further proceedings pending the appeal. *Everett v. State*, 28 Md. 206.

In an injunction case, the giving of the bond stays the operation of the injunction. *Glenn v. Davis*, 35 Md. 220; *Gelston v. Sigmund*, 27 Md. 352; *Northern Central Ry. Co. v. Canton Co.*, 24 Md. 506.

The stay of proceedings does not necessarily extend further than the operation of the order or decree appealed from. *Barnum v. Barnum*, 42 Md. 294.

The proceedings will not be stayed unless the bond is filed. *McNeice v. Eliason*, 78 Md. 179.

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. 57, *et seq.*, and sec. 68, *et seq.*