

An. Code, sec. 30. 1904, sec. 30. 1888, sec. 28. 1830, ch. 185, sec. 1.

34. 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.

An. Code, sec. 31. 1904, sec. 31. 1888, sec. 29. 1832, ch. 197. 1843, ch. 73. 1868, ch. 102.

35. 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.

An appeal from an order refusing a preliminary injunction on an *ex parte* application, upheld under this section. *Safe Dep. & Tr. Co. v. Baltimore*, 121 Md. 533.

This section has no application to an appeal from an order *granting* an injunction. *B. & O. R. R. Co. v. Gilmor*, 125 Md. 618.

An appeal taken and the record transmitted in due time, inasmuch as such appeal was under sec. 30 and not under this section. *Powell v. Mackenzie*, 137 Md. 275.

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. Winans*, 17 Md. 65.

Cited but not construed in *Susquehanna Co. v. St. Clair*, 113 Md. 668; *Smith v. Annapolis*, 97 Md. 736; *Willis v. Jones*, 57 Md. 365; *State v. Northern Central Ry. Co.*, 18 Md. 210; *Stockett v. Bird*, 18 Md. 487.

See sec. 31 and notes to sec. 30.

An. Code, sec. 32. 1904, sec. 32. 1888, sec. 30. Rule 9.

36. All appeals allowed from decrees or orders of courts of equity shall be taken and entered within two months from the date of the decree or order appealed from, and not afterwards; unless it shall be alleged on oath that such decree or order was obtained by fraud or mistake, in which case the appeal shall be entered within two months from the time of the discovery of the fraud or mistake, and not afterwards.