

delivery of real or personal property or the payment of money, unless such delivery or payment be directed to be made to a receiver appointed by such court; or from any order determining a question or right between the parties, and directing an account to be stated on the principle of such determination, or from any order of any court in this State the effect of which is to deprive any parent, grandparent, or natural guardian of such child of its care and custody, and upon any such appeal the facts of the case shall be reviewed as in appeals from final decrees passed by courts of equity.

Although this section requires answer to be filed before an appeal from order granting injunction, Court of Appeals is confined to averments of bill of complaint. *Sterback v. Robinson*, 148 Md. 27. (Decided prior to act 1927, ch. 593.)

One cannot accept a decree to the extent it is favorable, and appeal from so much thereof as did not extend relief to degree desired. *Silverberg v. Silverberg*, 148 Md. 689. (Decided prior to act 1927, ch. 593.)

To third note under heading "Determining a Question," etc., page 225, vol. 1. of Code, add *Holloway v. Safe Dep. & Tr. Co.*, 152 Md. 295. (Decided prior to act 1927, ch. 593.)

As act 1920, ch. 274, added a final clause to this section, the reference in first and last notes under the heading "Determining a Question of Right," etc., page 225, vol. 1, of Code, to "last clause of this section," should now be to portion of this section *re* order "determining a question of right," etc.

32.

See notes to sec. 31.

33.

Court may, in its discretion, order that decree shall not be stayed by appeal, or shall be stayed only upon such terms as court directs. It is absolute duty of court to fix penalty of bond, but amount of penalty is in discretion of court, and not reviewable. When rights of purchaser not affected by reversal of decree. *Shirk v. Soper*, 144 Md. 274. And see *Bowers v. Soper*, 148 Md. 696.

Rule that appeal will not stay execution of decree unless bond is given, is not available to protect title vested under purchase unfairly accomplished. *Herman v. Bldg. & Loan Co.*, 145 Md. 490.

Appeal does not suspend operation or stay execution of decree unless bond is filed. *Holloway v. Safe Dep. & Tr. Co.*, 152 Md. 295.

36.

Fact that last day of two months within which appeal may be taken falls on legal holiday, does not extend time; appeal dismissed. *Winkel v. Geiger*, 154 Md. 674.

Date of decree is date upon which it became effective and binding, *i. e.*, when it is filed. *Pocock v. Gladden*, 154 Md. 253.

Cited but not construed in *Wilmer v. Haines*, 148 Md. 388.

37.

To second note, beginning on page 230, vol. 1, of Code, add *Wilmer v. Haines*, 148 Md. 388.

This section referred to in construing ch. 625 of acts 1916 (Baltimore City Charter, sec. 316). *Stiegler v. Eureka Life Ins. Co.*, 146 Md. 655.

40.

Inasmuch as no exception was taken to overruling motion to exclude evidence admitted subject to exception, such evidence must be considered. *Marden v. Scott*, 154 Md. 417.

To eleventh note on page 233, vol. 1. of Code, add *Holloway v. Safe Dep. & Tr. Co.*, 152 Md. 299 (auditor's account).