

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.

To the fourth note under this section, page 227, vol. 1, of Code, add *Bowles v. Moller, Inc.*, 163 Md. 683.

To second note to this section, page 227, vol. 1, of Code, add *State Founders, Inc. v. Oliver*, 165 Md. 366.

Cited but not construed in *Busey v. Perkins*, Daily Record, April 6, 1935.

35.

The action of court in sustaining demurrer to bill of complaint with right to amend is not a refusal to grant injunction according to prayer of bill of complaint within meaning of this section. *Maas v. Maas*, 165 Md. 344.

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. Gelger*, 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.

When appeal entered after two months from date of decree on ground decree obtained by fraud or mistake, case must be heard and determined on record as of time when decree appealed from was passed and as if appealed within usual period. *Bauer v. Harman*, 161 Md. 131.

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.

Agreement of counsel and order of trial court cannot extend period allowed for transmission of record. *Sanitary Supply Co. v. Cooper*, 160 Md. 511.

Orders finally disposing of funds in court for distribution are final in their nature and appealable. *Harrison v. Robinette*, 167 Md. 84.

38.

If necessary, appellant can incorporate desired papers and transmit the whole without waiting for appellee. *Sanitary Supply Co. v. Cooper*, 160 Md. 511.

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).

41.

To sixth note on page 234, vol. 1, of Code, add *Wissler v. Elkins*, 149 Md. 322; *Talley v. Dadds*, 161 Md. 562; *Purnell v. Ocean City*, 162 Md. 174.

Cited but not construed in *Cityco Realty Co. v. Slaysman*, 160 Md. 366; *Elfont v. Elfont*, 161 Md. 474.

42.

Cause remanded that proper parties may be made. *Kalhopulus v. Lumm*, 15 Md. 42.