

An. Code, 1924, sec. 32. 1912, sec. 28. 1904, sec. 28. 1888, sec. 26. 1830, ch. 185, sec. 1. 1845, ch. 367, sec. 3.

**32.** On an appeal from a final decree or order, all previous orders which may have been passed in the cause shall be open for revision in the court of appeals, unless an appeal under the preceding section shall have been previously taken from such order.

**In connection with sec. 31.**

A party may waive his rights under sec. 31 and bring matters embraced thereunder up for review under this section. *Davis v. Gemmill*, 73 Md. 554; *Wilhelm v. Caylor*, 32 Md. 161; *Ware v. Richardson*, 3 Md. 555.

This section limits the right of review to those "previous orders" specified in sec. 31. *Tome v. Stump*, 89 Md. 271.

**Application of this section.**

If an appeal lies under sec. 30, this section has no application. See notes to sec. 30. *Gardiner v. Baltimore*, 96 Md. 382.

This section has no application to interlocutory orders passed by consent, and acted on. *Godwin v. Banks*, 89 Md. 686.

This section applied. *Emory v. Faith*, 113 Md. 256; *Bailey v. Jones*, 107 Md. 410; *Slingluff v. Hubner*, 101 Md. 657; *Keifer v. Reichert*, 93 Md. 99; *Tayhern v. National Mechanics Bank*, 57 Md. 596; *Reiff v. Horst*, 55 Md. 45; *Meakin v. Duvall*, 43 Md. 378; *Barton v. Higgins*, 41 Md. 546; *Phelps v. Stewart*, 17 Md. 242; *Stem v. Cox*, 16 Md. 538.

**Generally.**

Words "all previous orders," are as comprehensive as "all previous orders and decrees." *Bull v. Pyle*, 41 Md. 422; *Frostburg v. Tidley*, 63 Md. 519.

There can be no appeal under this section from an order in the nature of a final decree from which an appeal lies under sec. 30. Under this section all orders, including those mentioned in sec. 31, from which no appeals have been previously taken, are subject to revision upon appeal from a final decree. *Peoples v. Ault*, 117 Md. 635.

Where a demurrer to a part of a bill is overruled, such interlocutory order is reviewable under this section. *Hendrickson v. Standard Oil Co.*, 126 Md. 583.

On appeal from an order revising a final audit, all previous orders and decrees are open for review. *Walsh v. Boyle*, 30 Md. 268.

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.

On appeal from final decree restraining defendant from operating plant in way to affect health of neighborhood, previous interlocutory and tentative decree may be reviewed. *Washington Cleaners v. Albrecht*, 157 Md. 401.

Where final order of ratification without hearing or preliminary order *nisi* of auditor's amended report, held that notwithstanding this irregularity of procedure, as the auditor had already filed two former accounts in same matter, appeal does not justify reversal under circumstances. *Nichols v. McGill*, 168 Md. 686.

See notes to secs. 30 and 31.

An. Code, 1924, sec. 33. 1912, 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