

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.

Right of purchaser at a mortgage foreclosure sale to receive deed of property upon payment of purchase price is not affected by reversal of order ratifying sale if appeal bond not given. *Webster v. Archer*, 176 Md. 245.

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; *State Founders, Inc. v. Oliver*, 165 Md. 366.

The failure of an appellant to stay the operation of a decree as authorized by this section, pointed out. *Konig 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; *Bowles v. Moller, Inc.*, 163 Md. 683.

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.

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.

Cited but not construed in *Busey v. Perkins*, 168 Md. 454; *Hopper v. Harlan*, 172 Md. 160.

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

An. Code, 1924, sec. 34. 1912, 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.