

By a devisee from an order revoking the probate of a will. *Dorsey v. Warfield*, 7 Md. 75.

By a co-executor and a distributee from the ratification of a separate administration account. *Hesson v. Hesson*, 14 Md. 13.

From an order refusing to remove a guardian. *Macgill, v. McEvoy*, 85 Md. 291. See also *Lefever v. Lefever*, 6 Md. 472.

This section embraces orders removing guardians, especially where the discretion vested in the orphans' court was arbitrarily exercised. *Slattery v. Smiley*, 25 Md. 394.

A trustee from whom an administrator will demand property, may appeal from an order refusing to revoke the administrator's letters. *Lee v. Allen*, 100 Md. 13. No matter how small the amount involved. *Gephart v. Strong*, 20 Md. 525.

Notwithstanding art. 93, sec. 246, the action of the orphans' court under that section may be reviewed by the court of appeals. *Owen v. Pye*, 115 Md. 406.

Matters in the discretion of the orphans' court.

No appeal lies in the following cases:

From an order granting letters to two or more persons with the consent of the person first entitled. *Covey v. Charles*, 49 Md. 315.

From an order for the sale of personal estate by an administrator for special reasons looking to the advantage of the estate. *Crawford v. Blackburn*, 19 Md. 42.

From an order directing an executor to bring money into court, nor from an order revoking letters and appointing another administrator for a failure to comply with such order, unless the discretion vested in the orphans' court over such matters, is arbitrarily exercised. *Porter v. Timanus*, 12 Md. 292.

See also *Ex parte v. Shipley*, 4 Md. 496.

From an order of the orphans' court fixing commissions within the limits prescribed by law. *Wilson v. Wilson*, 3 G. & J. 23.

From an order appointing a guardian. *Compton v. Compton*, 2 Gill, 241. But see *Lefever v. Lefever*, 6 Md. 472.

From an order directing a guardian to bring his ward's money into court. *Falconer v. Regelier*, 6 Md. 552.

From the refusal of the orphans' court to accept a bond to prevent the bringing out of an infant. *Johnson v. Brannaman*, 10 Md. 495.

The award of costs in litigation in the orphans' court is not reviewable. *Bantz v. Bantz*, 52 Md. 696.

Where issues are sent from the orphans' court to a court of law, the orphans' court has exclusive and discretionary power in the matter of the award of costs. *Brown v. Johns*, 62 Md. 333.

No appeal lies:

From an order refusing to revoke letters testamentary. *Hebb v. Hebb*, 5 Gill, 509.

From the adjudication of the orphans' court that an answer to a petition in the nature of a caveat, is insufficient, same not being final. *Potts v. Potts*, 88 Md. 641.

From an order revoking an apprenticeship. *Lamott v. Maulsby*, 8 Md. 7.

An administrator *pendente lite* cannot appeal from an order directing the sale of certain personal property of the deceased. *Johns v. Caldwell*, 60 Md. 262.

Where parties refer a matter in dispute to the arbitration and award of the judges of an orphans' court, providing in the agreement of reference for an appeal to the court of appeals, the latter court will dismiss the appeal, because if the reference was to the judges as a court, no appeal lay under the statute then in force, and if the reference was to the judges as individuals, there was no appeal. The reservation of a right of an appeal in the agreement could not confer jurisdiction on the court of appeals. *Strite v. Reiff*, 55 Md. 94 (decided in 1880).

The appeal provided by art. 93, sec. 254, is exclusive of the appeal provided by this section. *McAvoy v. Renehan*, 116 Md. 335.

Generally.

The term "party" in this section is not used in a technical sense, but means anyone whose interest the decree or order has a direct tendency to affect adversely, such party appearing in court and claiming a right of appeal. *Meyer v. Henderson*, 88 Md. 590; *Gunther v. State*, 31 Md. 33. See also *Lee v. Allen*, 100 Md. 13; *Cecil v. Cecil*, 19 Md. 72; *Hoffar v. Stonestreet*, 6 Md. 304; *Parker v. Gwynn*, 4 Md. 426; *Stevenson v. Schriber*, 9 G. & J. 335.

This section has no application to a question of the concealment of a decedent's assets under art. 93, secs. 252 and 253. Art. 93, sec. 254, provides for an appeal in