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MAURICE H. PELTZ vs. AMERICAN LOAN COMPANY, INCORPORATED.

[NO NUMBER IN ORIGINAL]

COURT OF APPEALS OF MARYLAND*148 Md. 390; 130 A. 45; 1925 Md. LEXIS 46***May 13, 1925, Decided**

PRIOR HISTORY: [***1] Appeal from the Baltimore City Court (ULMAN, J.).

Actions by the American Loan Company, Incorporated, against Maurice H. Peltz, trading as the London Fur Manufacturing Company. From two rulings sustaining demurrers to pleas, the plaintiff separately appeals. Dismissed.

DISPOSITION: Appeals dismissed with costs to the appellee.

HEADNOTES: *Right of Appeal—Ruling on Demurrer.*

No appeal will lie from an order sustaining plaintiff's demurrer to defendant's pleas in an action at law, although there is entered on the docket "judgment on the demurrer in favor of the plaintiff for costs," such a ruling not being reviewable until after final judgment.

COUNSEL: Hyland P. Stewart, submitting on brief, for the appellant.

Benjamin H. McKindless, with whom were Derlin McKindless and Jesse Fine on the brief, for the appellee.

JUDGES: The causes were argued before BOND, C. J., URNER, OFFUTT, PARKE, and WALSH, JJ.

OPINION:

[*390] [**45] The following *per curiam* opinion was delivered:

The motions to dismiss the appeals in these cases must be granted. The appeals are taken by the defendant from rulings against him on demurrers to his third and fourth pleas to the seventh count of the plaintiff's declarations in suits at common law, and to the amended fourth pleas to the same count. The demurrers were sustained and entries made: "Judgment on the demurrer * * * in favor of the plaintiff for costs." There were other pleas in the cases, and without those to which demurrers were sustained, the cases appear to be at issue [***2] and ready for trial.

In the case of *Emersonian Apartments v. Taylor*, 132 Md. 209, 103 A. 423, exactly the same situation existed and it was held that the defendant had no right of appeal at that stage of the case.

Appeals dismissed with costs to the appellee.