

From an order overruling a motion to strike out an unauthorized appearance of, and pleas filed by, an attorney for a garnishee in an attachment. *Albert v. Albert*, 78 Md. 348.

Where a decision is made which injuriously affects the claim of a trustee for commissions. *White v. Malcolm*, 15 Md. 541.

From the judgment of the county court reversing their former judgment, and for costs. *Hawkins v. Bowie*, 9 G. & J. 428.

From the judgment of a court in setting aside an award made by referees to whom the case was referred under rule of court. *Garitee v. Carter*, 16 Md. 309. See also, *Hickley v. Stewart*, 12 G. & J. 456.

A creditor may appeal from an order finally discharging an insolvent. *Waters v. Momenthy*, 68 Md. 172.

From an order quashing an indictment. *State v. Hodges*, 55 Md. 127.

From every decision which settles a matter of right, be the decision adverse or by consent or default. *Chesapeake Bank v. McClellan*, 1 Md. Ch. 330.

Where a case is tried before the court without a jury an appeal lies from the action of the court on matters of law. *Tinges v. Moale*, 25 Md. 484.

#### **Interlocutory matters.**

*No appeal lies in the following cases:*

From an interlocutory judgment overruling a demurrer. *Griffee v. Mann*, 62 Md. 253; *Wheeler v. State*, 7 Gill, 34.

From an order sustaining a demurrer to a replication. *Dietrich v. Swartz*, 41 Md. 196.

From judgment overruling pleas in a criminal case, and granting permission to answer the indictment. *Clare v. State*, 30 Md. 164.

From an order overruling a motion for judgment by default. *Smithson v. United States, etc., Co.*, 29 Md. 162.

From an order overruling a motion to quash an attachment, filed after the return day. *Parkhurst v. Citizens', etc., Bank*, 61 Md. 259; *First National Bank v. Weckler*, 52 Md. 30; *Mitchell v. Chestnut*, 31 Md. 527; *Baldwin v. Wright*, 3 Gill, 242.

From an order allowing an amendment of a voucher in an attachment case. *Booth v. Callahan*, 97 Md. 319.

Where the plaintiff voluntarily suffers a *non-pros.*, and no final judgment is entered. *Boyd v. Kienzle*, 46 Md. 301; *State v. Bryan*, 3 Gill, 388.

From an order overruling a motion to quash a writ. *Welsh v. Davis*, 7 Gill, 365; *Gambrill v. Parker*, 31 Md. 1.

From an order overruling a motion to quash a writ of error *coram nobis*. *Bridendolph v. Zeller*, 3 Md. 325.

From an order granting leave to file a bill of review. *Meyer v. Stenart*, 48 Md. 423.

From an order consolidating cases. *Mitchell v. Smith*, 2 Md. 271.

From an order not settling the rights involved, and not denying the means of further prosecuting or defending the suit. *Hazlehurst v. Morris*, 28 Md. 67; *Boteler v. State*, 7 G. & J. 109.

For other examples of matters from which no appeal lies because they are interlocutory, see *League v. State*, 36 Md. 264; *Magraw v. Murnikhuysen*, 35 Md. 29; *Gittings v. State*, 33 Md. 461; *McArthur v. Martin*, 1 Gill, 259.

#### **Matters in the discretion of the lower court.**

*No appeal lies in the following cases:*

From an order refusing or granting leave to amend the pleadings. *Thorne v. Fox*, 67 Md. 67; *Griffee v. Mann*, 62 Md. 254; *Deford v. State*, 30 Md. 198; *Calvert v. Carter*, 18 Md. 108.

From an order allowing an amendment of the voucher in an attachment case. *Booth v. Callahan*, 97 Md. 319.

From the action of the court on a motion for a new trial. *Zitzer v. Jones*, 48 Md. 115; *Baltimore, etc., Ry. Co. v. Sewell*, 35 Md. 238; *Sauer v. Schulenberg*, 33 Md. 288; *Waters v. Waters*, 26 Md. 53. See also, *Hughes v. Jackson*, 12 Md. 450.

From the action of the trial court in allowing a *remittitur*. *Post v. Bowen*, 35 Md. 235; *Baltimore v. Reynolds*, 18 Md. 270.

From a decision setting aside a verdict. *Kierle v. Shriver*, 11 G. & J. 405.