

Where a trusteeship has been referred to a special auditor for an accounting with power to examine witnesses, etc., an order of court directing such auditor to take testimony, etc., is superfluous, and no appeal lies from a refusal to pass such order. *Morris v. Bright*, 126 Md. 289.

An order setting a motion to dissolve an injunction down for hearing is not appealable under this section. *Warfield v. Valentine*, 130 Md. 596.

An appeal from a portion of the opinion of the lower court will be dismissed. *Hobbs v. Payne*, 127 Md. 290.

See notes to section 27.

27.

The refusal of the lower court to hear on October 28, 1916, a motion to dissolve an injunction granted on November 1, 1915, is not appealable under this section or section 26, or under article 16, section 200. The appellate court and not the lower court decides when an appeal lies. *Forbes v. Warfield*, 130 Md. 404.

To the second note to this section on page 146 of volume 1 of the code, add *cf. Forbes v. Warfield*, 130 Md. 404.

See notes to section 26.

28.

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.

See notes to section 26.

29.

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.

No appeal lies from a refusal of the court to pass an order providing that the decree shall not be stayed pending an appeal. *Crownfield v. Phillips*, 125 Md. 2.

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.

31.

This section has no application to an appeal from an order *granting* an injunction. *B. & O. R. R. Co. v. Gilmore*, 125 Md. 618.

See notes to section 26.

33.

Where the order from which an appeal is taken was passed October 5, order for appeal filed October 17, and the record transmitted to the Court of Appeals January 17, this section is complied with. *B. & O. R. R. Co. v. Gilmore*, 125 Md. 618.

34.

While this and the following section do not refer to a condensation of the *oral* testimony, a synopsis of the testimony and exhibits is approved. *Lowes v. Carter*, 124 Md. 686.

See notes to section 10.

35.

See notes to sections 10 and 34.