

An order allowing the re-examination of a witness. *Swartz v. Chickering*, 58 Md. 297.

From the action of the court on a petition for rehearing. *Zimmer v. Miller*, 64 Md. 296; *Jacobs v. Bealmear*, 41 Md. 487.

From the action of the court in granting or refusing leave to file a bill of review. *Pfeltz v. Pfeltz*, 1 Md. Ch. 458.

From the action of the court on an application to file a supplementary answer. *Frisby v. Parkhurst*, 29 Md. 69; *Thomas v. Daub*, 1 Md. 324.

From the action of the court on an application to appoint an early day for the hearing of a motion to dissolve an injunction. *Owens v. Worthington*, 10 G. & J. 283.

From the award of costs. *Claggett v. Salmon*, 5 G. & J. 350.

Although no appeal lies from an order determining a matter within the discretion of the court, yet the question of whether a matter is within the discretion of the court and whether that discretion was so exercised as not to impair established rights, are open to review on appeal. *Emory v. Faith*, 113 Md. 256; *Gottschalk v. Mercantile Trust Co.*, 102 Md. 522; *Beilman v. Poe*, 120 Md. 446.

See notes to sec. 2.

Interlocutory orders.

No appeal:

From a mere practical order of court preparatory to final hearing. *Thomson v. McKim*, 6 H. & J. 302; *Wheeler v. Stone*, 4 Gill, 39.

From an order for the delivery of real or personal property and an account of the rents and profits, until such an account shall have been finally acted upon. *Hatton v. Weems*, 10 G. & J. 377.

From an order directing money to be brought into court. *Dillon v. Connecticut, etc., Co.*, 44 Md. 394; *Henry v. Kaufman*, 24 Md. 11. And see *Wheeler v. Stone*, 4 Gill, 39.

From an order merely suspending the allowance of a claim. *Barton v. Higgins*, 41 Md. 546.

From an order requiring the defendant to answer by a certain day. *Dennison v. Wantz*, 61 Md. 143.

From an order refusing further time to take testimony, nor from an order granting leave to amend by a certain time and providing that in the event of a failure so to amend, an injunction previously issued would be dissolved, the injunction in the meantime being continued. *Hill v. Reifsnider*, 39 Md. 429.

From an order reserving the rights of co-defendants for the further order of the court. *Swift v. Manufacturer's Bank*, 69 Md. 232. And see *Chenoweth v. Smith*, 29 Md. 22.

Where a decree *pro confesso* is passed against non-residents, the court has the right to reserve the question of whether a plea by resident defendants enures to the benefit of the non-residents, and the latter have no ground of appeal. *Simms v. Lloyd*, 58 Md. 479.

From an order directing the retaining of a bill pending a suit at law. *Scott v. Crawford*, 11 G. & J. 365; *Scott v. Crawford*, 10 G. & J. 379.

From an order allowing the complainant to examine the defendant as a witness. *Heath v. Ireland*, 11 Md. 388.

For other examples of matters from which no appeal lies because they are interlocutory, see *Keifer v. Reichert*, 93 Md. 99; *McKim v. Thompson*, 1 Bl. 150; *Wayman v. Jones*, 4 Md. Ch. 512. But see *Gover v. Hall*, 3 H. & J. 43.

See notes to sec. 2.

Demurrers and pleas.

No appeal from an order sustaining a demurrer to one of three distinct grounds of relief set out in one paragraph of a bill of complaint; this section and sec. 35 only give a right of appeal when the order of court goes to the whole bill. *Reynolds v. Russler*, 128 Md. 608.

An appeal lies under this section from an order sustaining a demurrer to a part of a bill of complaint; in this case no leave to amend was granted (as the objections could not be remedied by amendment), and the case proceeded as to the allegations upon which the demurrer was overruled. *Hendrickson v. Standard Oil Co.*, 126 Md. 581.

There is no appeal from an order overruling a plea to a bill, since such order is not final; such ruling may be reviewed under sec. 32. *Wilmer v. Placide*, 128 Md. 171.