

173.

While demurrer to bill and to each paragraph thereof is proper if causes of injury from which relief is sought are separate and distinct, this condition does not apply where conveyances complained of are all in one paragraph. *Lipskey v. Voloshen*, 155 Md. 142.

Demurrer declared frivolous and unfounded and bill ordered to be taken *pro confesso* and case to proceed *ex parte*. *Wilmer v. Westerman*, 144 Md. 130.

Answer may be treated as demurrer—effect of. *Hill v. Pinder*, 150 Md. 406. See notes to sec. 220.

176.

An appeal does not lie from order sustaining demurrer to bill of complaint for relief by way of injunction, with leave to plaintiff to amend within prescribed time, when plaintiff does not amend, but takes appeal after expiration of prescribed time, without decree of court dismissing bill of complaint. *Mass v. Mass*, 165 Md. 344.

178.

Presumption that court "otherwise specially" ordered when it expressly authorized defendants to file answer after overruling demurrer. *Robbins v. Dorsey*, 150 Md. 271.

179.

Demurrer and answer may be in same paper. *Hendler Creamery Co. v. Lillich*, 152 Md. 192.

See notes to secs. 173 and 220.

An. Code, 1924, sec. 187. 1912, sec. 172. 1904, sec. 163. 1888, sec. 150. 1933, ch. 549.

187. If the plaintiff, so obtaining any order to amend his bill after answer or demurrer thereto, shall not make the amendment within the time allowed, he shall be considered to have abandoned the leave to amend, and the cause shall proceed as if no application for such leave had been made. But where such amendment is made, and new facts are introduced, and the case is thus varied in any material respect, the defendant shall be at liberty to answer anew or demur to the bill as amended, within such time as the court or judge thereof may prescribe, after notice of the amendment made; and notice may, in all cases, be given by service of a copy of the bill as amended, upon the defendant, or upon his solicitor, if there be one; or it may be by subpoena; or if any of the parties defendant is an infant or non-sane defendant for whom a legal guardian or committee may have been required by the Court to appear, answer, and defend, or for whom a guardian ad litem may have been legally appointed, then such notice may be given by service of a copy of the bill as amended upon such legal guardian, committee, or guardian ad litem, or upon his solicitor, if there be one legally appointed. The mode of proceeding in default of answer to the matter of the amendment shall be the same as that in default of answer to the original bill; and the proceeding on answer or demurrer, filed to the amended bill, shall be the same as that on answer or demurrer to an original bill.

189.

The rule of security for costs has relation only to a non-resident plaintiff, and does not apply to a defendant who, after decree has been rendered in favor of the plaintiff, files a petition to annul decree. *Harris v. Harris*, 159 Md. 629.