

Usual penalty for failure to condense record is to charge appellant, in case of reversal, with the costs unnecessarily incurred. *Jersey Ice Cream v. Bach*, 161 Md. 293.

Cited but not construed in *Broniszewski v. B. & O. R. R. Co.*, 156 Md. 449; *Carroll v. Hillendale Golf Club*, 156 Md. 547.

## 13.

Bill of exceptions signed too late under act 1916, ch. 625, applicable to Baltimore City. "Not less than thirty days prior to the time," etc., means thirty clear days, exclusive of both terminal days. Consent to postponement—estoppel. *Stiegler v. Eureka Life Ins. Co.*, 146 Md. 658.

See notes to sec. 12.

## 17.

Cited but not construed in *Powder Co. v. Campbell*, 156 Md. 368.

## 22.

Cited but not construed in *McNabb v. Haas*, Daily Record, February 19, 1935.

## 24.

Case remanded to correct misjoinder; if declaration contains several counts, joint participation of all defendants must be averred in each. *Tong v. Feldman*, 152 Md. 407.

## 25.

Cited but not construed in *Powder Co. v. Campbell*, 156 Md. 368.

## 26.

To second note to this section, page 219, vol. 1, of Code, add *Canton Co. v. Seal*, 144 Md. 183; *Kvedera v. Mondravisky*, 149 Md. 379.

Art. 50, sec. 12A, which provides that defendants in actions *ex delicto* shall be subject to contribution between them, does not affect the power of the court to reverse the judgment as to one defendant and to affirm it as to the other. *Cumberland, etc., Transit Co. v. Metz*, 158 Md. 455, 456.

Cited but not construed in *Rent-A-Car Co. v. Globe, etc., Fire Ins. Co.*, 158 Md. 186.

## 27.

Cited but not construed in *Baltimore v. Libowitz*, 159 Md. 29.

### Appeals from Courts of Equity.

## 30.

Counsel for party to receivership proceedings had no interest in case entitling him to appeal from order sustaining exceptions to allowance of his fee. *Culbreth v. Kries & Sons*, 144 Md. 500.

Applicant must show that he has direct interest in subject-matter of litigation. Decree or order must be final. *In re Buckler Trust*, 144 Md. 427.

Right of appeal under this section does not depend upon filing of appeal bond. See notes to sec. 33. *Shirk v. Soper*, 144 Md. 283.

Order directing executrix to intervene as defendant is interlocutory and not appealable. *Rowe v. Rowe*, 154 Md. 604.

Order denying petition of defendant in divorce suit for further proceedings by plaintiff, is not final. Contempt for non-payment of alimony. *Skirven v. Skirven*, 154 Md. 272.

Appeal from order overruling the demurrer to cross bill, in which the allegations of fact were the same as those in a contemporaneous answer, will be dismissed. *Brooks v. Sprague*, 157 Md. 160.

This section referred to in construing art. 101, sec. 56. *Gold Dust Corp. v. Zabawa*, 159 Md. 667.