

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. Irelan*, 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.

There is no appeal from an order of a court of equity overruling a plea to a part of a bill; such order can be reviewed only under sec. 32. An appeal lies from the action of the court in overruling a demurrer to the entire bill. *Peoples v. Ault*, 117 Md. 635.

An appeal from an order overruling a demurrer to a petition asking that defendant be examined concerning his property and credits, will be dismissed. See notes to sec. 31. *Stockham v. Knollenberg*, 133 Md. 341.

An appeal lies from the action of the court on a demurrer to the entire bill. *Darcey v. Bayne*, 105 Md. 366; *Chappell v. Funk*, 57 Md. 471; *Hecht v. Colquhoun*, 57 Md. 564.

No appeal from an order sustaining a demurrer to a plea. *Danels v. Taggart*, 1 G. & J. 311.

Mortgage sales.

An appeal lies from an order dismissing a petition, asking that a mortgage sale be restrained, and the decree for sale entered satisfied. The last clause of this section applied. *Schluderberg v. Robertson*, 60 Md. 602.

An appeal lies from an order passed in a proceeding to foreclose a mortgage, which determines that the plaintiff is not entitled to the relief prayed and directs an account as between debtor and creditor. *Waverly, etc., Assn. v. Buck*, 64 Md. 342.

No appeal from an order rescinding the final ratification of a trustee's sale, both orders being passed at the same term. From an order setting aside the sale, an appeal lies. *Hunting v. Walter*, 33 Md. 60.

No appeal by a mortgagor who has parted with his equity of redemption, from a decree directing the sale of mortgaged premises. *McDonald v. Working Men's Bldg. Assn.*, 60 Md. 590.

No appeal from an order granting a prayer for a rehearing on exceptions to a mortgage sale. *Keifer v. Reichert*, 93 Md. 99.

An appeal lies from a decree exonerating certain lots from sale under a mortgage until the exhaustion of other mortgaged properties. *Gardiner v. Baltimore*, 96 Md. 382; *Hopper v. Snyder*, 90 Md. 379.

An appeal lies from a decree for the sale of mortgaged premises under the act of 1833, ch. 181. *Robertson v. American, etc., Assn.*, 10 Md. 406; *Williams v. Williams*, 7 Gill, 302.

Parties.

The intention of the act of 1864, ch. 156, was to change the pre-existing law as construed in 17 Md. 525. One who claims a fund in controversy and prays to intervene, is a party within the meaning of this section. *Hall v. Jack*, 32 Md. 263.

If the parties in whose name the appeal is taken have no interest, and the party in whose behalf it is sought to be maintained are not parties appellants, the appeal must be dismissed. *Walter v. Second National Bank*, 56 Md. 138.