

This section does not restrict the right of appeal to those who are technical "parties," but an appellant must show that he has a direct interest in the subject-matter of the litigation. An applicant for a receiver is not entitled, merely because of the pendency of his application, to appeal from the action of another court in appointing receivers, he having no interest upon which a right of appeal may be predicated. A stockholder cannot appeal from a judgment against the corporation. *Preston v. Poe*, 116 Md. 6. And see *Carrington v. Basshor Company*, 121 Md. 77.

Persons, not parties to a suit, have no standing to appeal or to contest the decree. *Bernstein v. Stansbury*, 119 Md. 320.

Counsel for a trustee who have filed a petition for a fee in a mortgage foreclosure case do not become parties to the cause, nor have they any interest which justifies them in appealing from an order sustaining exceptions to the auditor's account and disallowing the fee. Meaning of "parties." *Karr v. Shirk*, 142 Md. 121.

If appellants are not parties to the original suit, they may not appeal. *Donovan v. Miller*, 137 Md. 557.

This section referred to in holding that an appeal by an administrator would not be dismissed where he was a party defendant to a suit in equity, was summoned and filed an answer. *Hammersley v. Bell*, 134 Md. 181.

When a conventional trustee may appeal. *Frey v. Shrewsbury*, 58 Md. 151; *Stewart v. Codd*, 58 Md. 86; *Beilman v. Poe*, 120 Md. 447.

Quaere, whether under this section one of several trustees "who form but one collective trustee" may appeal. *Mackenzie v. Gerke*, 118 Md. 334.

A guardian *ad litem* is a party to the cause within the meaning of this section. *Thomas v. Levering*, 73 Md. 461.

An attorney cannot appeal in his own name and on his own motion, from an order or judgment affecting his clients. *Brune v. Lanahan*, 60 Md. 515.

Appeal dismissed because appellants were not proper parties to appeal. *Isaac v. Emery*, 64 Md. 333.

Parties held proper on appeal. *Buchanan v. Patterson*, 94 Md. 534.

Auditors and accounts.

An appeal lies from an order ratifying an auditor's report and directing the proceeds to be applied accordingly. *Pfeaff v. Jones*, 50 Md. 269; *Wayman v. Jones*, 4 Md. Ch. 501.

An appeal lies from an order settling the right of a party to a credit; determining that the written contract does not express the true agreement and referring the case to an auditor. *Connor v. Groh*, 90 Md. 680.

An appeal lies from an informal order upon exceptions to an auditor's account, which, however, is unequivocal and finally decisive. *McGonigal v. Plummer*, 30 Md. 422.

No appeal from a decree directing an accounting. *Snowden v. Dorsey*, 6 H. & J. 114; *Hungerford v. Bourne*, 3 G. & J. 142.

An appeal from an order referring a cause to an auditor with directions as to the mode of stating an account, is not authorized by the act of 1830, ch. 185. *Darrington v. Rogers*, 1 Gill, 403. See also *Wheeler v. Stone*, 4 Gill, 39; *Clagett v. Crawford*, 12 G. & J. 275.

No appeal from an order suspending a sale and referring the papers to an auditor. *Equitable, etc., Assn. v. Becker*, 45 Md. 635.

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.

Generally.

A decree dismissing a bill in equity by decedent's widow and infant children to impress a trust on certain corporate stock, but without prejudice, was not *res adjudicata* against the defendant in such suit so as to bar him, in subsequent suit against him by widow as administratrix, from claiming title to such stock. *Horowitz v. Horowitz*, 175 Md. 17.

The court of appeals alone determines when an appeal will lie. *Wylie v. Johnston*, 29 Md. 289; *Keighler v. Savage, etc., Co.*, 12 Md. 413; *Chesapeake Bank v. McClellan*, 1 Md. Ch. 330; *Thompson v. McKim*, 6 H. & J. 302.

An appeal lies under this section from a decree ratifying an inquisition of lunacy under art. 16, sec. 123, *et seq.* *Ex parte Bristol*, 115 Md. 618.

When a receiver may appeal. No appeal lies from an order allowing a receiver to appeal, nor from an order overruling a demurrer to the petition of a receiver asking permission to appeal. *Beilman v. Poe*, 120 Md. 446.

Question whether an order sustaining a demurrer to so much of a petition as attacked the lower court's jurisdiction, was one from which an appeal should have been taken within two months from its date, not passed on. Cases reviewed. *Bliss v. Bliss*, 133 Md. 68.

From an order in the nature of a final decree from which an appeal lies under this section, there can be no appeal under sec. 32. *Peoples v. Ault*, 117 Md. 635; *Bliss v. Bliss*, 133 Md. 68.