

An. Code, 1924, sec. 31. 1912, sec. 27. 1904, sec. 27. 1888, sec. 25. 1835, ch. 346, sec. 2. 1835, ch. 380, sec. 3. 1841, ch. 11. 1845, ch. 367, sec. 1. 1865, ch. 141. 1920, ch. 274, sec. 27. 1927, ch. 593.

**31.** An appeal may also be granted in the following cases, to wit: From any order granting an injunction, or from a refusal to dissolve the same, or an order appointing a receiver, the answer of the party appealing being first filed in the cause; from an order dissolving an injunction, or from an order remedial in its nature adjudging in contempt of court any party to a cause or any person not a party thereto (except orders passed requiring the payment of alimony); from an order for the sale, conveyance or delivery of real or personal property or the payment of money, unless such delivery or payment be directed to be made to a receiver appointed by such court; or from any order determining a question or right between the parties, and directing an account to be stated on the principle of such determination, or from any order of any court in this State the effect of which is to deprive any parent, grandparent, or natural guardian of such child of its care and custody, and upon any such appeal the facts of the case shall be reviewed as in appeals from final decrees passed by courts of equity.

#### **Injunction.**

An appeal lies from an order changing and limiting an injunction so as to extinguish its operation. *Meyer v. Devries*, 64 Md. 534.

The portion of this section relating to injunctions, applied. *Conner v. Groh*, 90 Md. 680; *Reeder v. Machen*, 57 Md. 60. *Cf. Forbes v. Warfield*, 130 Md. 404.

Prior to this section, there was no appeal from an order dissolving an injunction. *Dorsey v. Smith*, 2 H. & G. 135.

As to injunctions, see also sec. 35.

The refusal of the lower court to hear on October 28, 1916, a motion to dissolve an injunction granted on November 1, 1915, is not appealable under this section or sec. 30, or under art. 16, sec. 221. The appellate court and not the lower court decides when an appeal lies. *Forbes v. Warfield*, 130 Md. 404.

An appeal lies under this section from an order dissolving an injunction upon the failure of the defendant to bring certain money into court. *Buckner v. Cronhardt*, 132 Md. 617.

#### **Receiverships.**

No appeal from an order refusing to rescind a previous order appointing a receiver. Such an order is not within the meaning of the last clause of this section, nor is the appointment of a receiver. *Monumental, etc., Co. v. Wilkinson*, 100 Md. 32; *Williams v. United States Baking Co.*, 86 Md. 475; *Hull v. Caughy*, 66 Md. 106.

While no appeal lies from an order merely dismissing a receiver, an appeal does lie from an order discharging a receiver and directing property to be delivered to an administrator. *Cain v. Warford*, 7 Md. 286. And see *Washington, etc., Co. v. Southern, etc., R. R. Co.*, 55 Md. 156; *Estate of Colvin*, 3 Md. Ch. 301.

An order ratifying a second audit in a receivership of an insolvent corporation is final and appealable under this section; the court of appeals may review, in an appeal from that order, an order previously passed—see sec. 32. *Froek v. Columbian Constr. Co.*, 142 Md. 421.

#### **Answer.**

An answer must be filed to bills for an injunction or the appointment of a receiver before the defendant can appeal. *Stinson v. Ellicott, etc., Co.*, 109 Md. 114; *Williams Co. v. U. S. Baking Co.*, 86 Md. 475; *Lamm v. Burrell*, 69 Md. 273; *Keighler v. Savage Mfg. Co.*, 12 Md. 412; *Blondheim v. Moore*, 11 Md. 371.

If one of the defendants answers, he may appeal, although his co-defendants have not answered. A demurrer to the whole bill is an answer within the meaning of this section. *Baltimore v. Weatherby*, 52 Md. 447. See also *Alexander v. Worthington*, 5 Md. 477; *Barnes v. Dodge*, 7 Gill, 118.

A demurrer to a bill or petition for an injunction is regarded as an answer within the meaning of this section. No motion to dissolve injunction filed. Appeal dismissed—interlocutory order. See notes to sec. 30. *Stockham v. Knollenberg*, 133 Md. 342; *Dixon v. Dixon*, 119 Md. 414.

An insufficient answer is no answer within the meaning of this section. *Williams v. United States Banking Co.*, 86 Md. 475; *Blackburn v. Craufurd*, 22 Md. 456; *Keighler v. Savage, etc., Co.*, 12 Md. 383; *Richter v. Pue*, 9 G. & J. 475.