

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

An answer is sufficient under this section, though it is not under oath. *Mahaney v. Lazier*, 16 Md. 73. *Cf. Bouldin v. Baltimore*, 15 Md. 20.

In an appeal under this section, the answer and exhibits ought to be sent up with the record. *Blackburn v. Craufurd*, 22 Md. 447.

#### **Sale of property or payment of money.**

An appeal lies under this section from an order for the sale of real and personal property. *Wheeler v. Stone*, 4 Gill, 46.

No appeal from an order refusing to authorize a sale before final decree, or suspending or rescinding an interlocutory order of sale. *Washington, et al., R. R. Co. v. Southern, et al., R. R. Co.*, 55 Md. 156.

An appeal lies from an order allowing alimony and counsel fees pending a divorce suit. *Chappell v. Chappell*, 86 Md. 587.

#### **Determining a question of right and directing an account.**

In an appeal under the last clause of this section, the court is limited to a consideration of matters determined by the lower court for the government of the auditor. *Goodburn v. Stevens*, 1 Md. Ch. 427.

No appeal from an order merely directing an account. *Owings v. Worthington*, 4 Md. 261. See also, *Smallwood v. Hatton*, 4 Md. Ch. 95; *Hagthorp v. Hook*, 1 G. & J. 308; *Snowden v. Dorsey*, 6 H. & J. 114.

The last clause of this section, applied. *Slingluff v. Hubner*, 101. Md. 657; *Hopper v. Smyser*, 90 Md. 379; *Conner v. Groh*, 90 Md. 680; *Davis v. Gemmell*, 73 Md. 554; *Reeder v. Machen*, 57 Md. 60; *Reiff v. Horst*, 55 Md. 46; *Barnum v. Barnum*, 42 Md. 314; *Young v. Frost*, 1 Md. 394; *Goodburn v. Stevens*, 5 Gill, 20; *White v. White*, 5 Gill, 382.

#### **Generally.**

On appeal under this section from an order on application for an injunction or receiver, the appellate court is confined to the allegations of the bill. *Shannon v. Wright*, 60 Md. 521; *Blackburn v. Craufurd*, 22 Md. 447; *Haight v. Burr*, 19 Md. 133; *Hyde v. Ellery*, 18 Md. 500; *Roman v. Strauss*, 10 Md. 89; *Guyton v. Flack*, 7 Md. 402; *Alexander v. Worthington*, 5 Md. 477; *Wagner v. Cohen*, 6 Gill, 101.

A party may waive his rights under this section and bring matters falling hereunder up for review under section 28. *Ware v. Richardson*, 3 Md. 555; *Davis v. Gemmell*, 73 Md. 554; *Wilhelm v. Caylor*, 32 Md. 161.

The right of appeal under this section is not defeated by setting the case down for final hearing and reserving other questions for further consideration. *Griffith v. Clark*, 18 Md. 463.

This section held to have no application. *Wickes v. Wickes*, 98 Md. 334; *Kelfer v. Reichert*, 93 Md. 98; *Tome v. Stump*, 89 Md. 272; *Swift v. Manufacturers' Bank*, 69 Md. 234; *Burroughs v. Gaither*, 66 Md. 192; *Equitable, et al., Assn. v. Becker*, 45 Md. 635; *Dillon v. Connecticut, et al., Co.*, 44 Md. 395; *Chenoweth v. Smith*, 29 Md. 22.

Cited but not construed in *Bailey v. Jones*, 107 Md. 410; *Monumental, et al., Co. v. Wilkinson*, 100 Md. 32; *Godwin v. Banks*, 89 Md. 686; *Barton v. Higgins*, 41 Md. 546; *Wylie v. Johnston*, 29 Md. 303; *Everett v. State*, 28 Md. 206; *Northern Central Ry. Co. v. Canton Co.*, 24 Md. 506; *Baltimore v. B. & O. R. R. Co.*, 21 Md. 80; *State v. Northern Central Ry Co.*, 18 Md. 210.

As to special hearings, see sec. 44.

1904, art. 5, sec. 28. 1888, art. 5, sec. 26. 1860, art. 5, sec. 22. 1830, ch. 185, sec. 1. 1845, ch 367, sec. 3.

**28.** On an appeal from a final decree or order, all previous orders which may have been passed in the cause shall be open for revision in the court of appeals, unless an appeal under the preceding section shall have been previously taken from such order.