

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 appellant, the appeal must be dismissed. *Walter v. Second National Bank*, 56 Md. 138.

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.