

sec. 30, or under art. 16, sec. 215. 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. *Frock 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 Baking 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.

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, etc., R. R. Co. v. Southern, etc., 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. 537.

#### **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. Halton*, 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.*