When bills of exception will not lie.—Accordingly, a bill of exceptions will not lie where the authority of the Court is final as to matters of fact, nor to a refusal to grant or the granting a new trial, nor to motions for summary relief, nor generally to any matter within the mere discretionary power of the Court, as amendment of the proceedings constituting the record, Greff v. Fickey, 30 Md. 75.[4] If the Court allow a matter to be good evidence but not conclusive, and so refer it to the jury, no bill of exceptions will lie, as if a man produce the probate of a will to prove the devise of a term of years, and the judge leave it indifferently to the jury, because, though the evidence be conclusive, the jury might have hazarded an attaint if they pleased, and the proper course is to demur to the evidence, Tidd Pr. 863; see Spedden v. the State, 3 H. & J. 251. So in Bulkley v.

resort is had on an inquiry presented by demurrer, motion in arrest, or the like. Thorne v. Fox, 67 Md. 67.

A statement of the reasons for the court's ruling is no part of the ruling itself and cannot be made the subject of an exception and reviewed on appeal. Bell v. State, 57 Md. 108.

[4] **When bills of exception unnecessary or improper.**—Other examples are the rulings of the court on an application for a continuance, Dean v. Turner, 31 Md. 52; or in allowing or refusing to allow counsel to read a law book to the jury, B. & O. R. R. Co. v. Kean, 65 Md. 394; or in restraining or refusing to restrain argument of counsel, B. & O. R. R. Co. v. Boyd, 67 Md. 32; Garlitz v. State, 71 Md. 293; Annapolis Co. v. Fredericks, 112 Md. 458; or in reopening the case to permit additional evidence, Berry v. Derwart, 55 Md. 66; State v. Duvall, 83 Md. 123; or additional prayers, Sparrow v. Grove, 31 Md. 214; or in refusing to delay the examination of a witness, so as to allow counsel to write down his testimony in full, Lewin v. Simpson, 38 Md. 468; or in allowing an amendment making a new party plaintiff after the jury has been sworn, without swearing the jury again, Thillman v. Neal, 88 Md. 525.

Neither the ruling of the court on demurrer, or on motion in arrest of judgment, can be brought up on bill of exception. Junkins v. Sullivan, 110 Md. 539; Kendrick v. Warren, 110 Md. 76; Davis v. Carroll, 71 Md. 568; Lee v. Rutledge, 51 Md. 311; Wilson v. Merryman, 48 Md. 328; Blake v. Pitcher, 46 Md. 453.

Nor is a bill of exception necessary in summary proceedings, such as a motion to quash an attachment or writ of summons, to strike out a judgment, and the like. In such cases the facts may be presented on appeal either by bill of exception, agreed statement, certificate of trial judge, or depositions taken under the authority of the court and properly authenticated. Long v. Hawken, 114 Md. 234; Palmer v. Hughes, 84 Md. 652; Coulbourn v. Fleming, 78 Md. 210; Dumay v. Sanchez, 71 Md. 508; May v. Wolvington, 69 Md. 117; Powhatan Co. v. Potomac Co., 36 Md. 238.

Formal bills of exception are not necessary, though commendable, in mandamus proceedings tried before a court without a jury, Pope v. Whitridge, 110 Md. 468; Manger v. Board, 90 Md. 659. And they are not allowed at all in the trial of cases appealed from justices of the peace. Cole v. Hynes, 46 Md. 181.