

A guardian *ad litem* is a party to the cause within the meaning of this section. *Thomas v. Levering*, 73 Md. 461.

An attorney can not appeal in his own name and on his own motion, from an order or judgment affecting his clients. *Brune v. Lanahan*, 60 Md. 515.

Appeal dismissed because appellants were not proper parties to appeal. *Isaac v. Emery*, 64 Md. 333.

Parties held proper on appeal. *Buchanan v. Patterson*, 94 Md. 534.

#### **Auditors and accounts.**

An appeal lies from an order ratifying an auditor's report and directing the proceeds to be applied accordingly. *Pfeaff v. Jones*, 50 Md. 269; *Wayman v. Jones*, 4 Md. Ch. 501.

An appeal lies from an order settling the right of a party to a credit; determining that the written contract does not express the true agreement and referring the case to an auditor. *Connor v. Groh*, 90 Md. 680.

An appeal lies from an informal order upon exceptions to an auditor's account, which, however, is unequivocal and finally decisive. *McGonigal v. Plummer*, 30 Md. 422.

No appeal from a decree directing an accounting. *Snowden v. Dorsey*, 6 H. & J. 114; *Hungerford v. Bourne*, 3 G. & J. 142.

An appeal from an order referring a cause to an auditor with directions as to the mode of stating an account, is not authorized by the Act of 1830, ch. 185. *Darrington v. Rogers*, 1 Gill, 403. See also, *Wheeler v. Stone*, 4 Gill, 39; *Clagett v. Crawford*, 12 G. & J. 275.

No appeal from an order suspending a sale and referring the papers to an auditor. *Equitable, etc., Assn. v. Becker*, 45 Md. 635.

#### **Generally.**

The court of appeals alone determines when an appeal will lie. *Wylie v. Johnston*, 29 Md. 298; *Keighler v. Savage*, etc., Co., 12 Md. 413; *Chesapeake Bank v. McClellan*, 1 Md. Ch. 330; *Thompson v. McKim*, 6 H. & J. 302.

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 the opinion of the lower court; a decree must be entered. *Phillips v. Pearson*, 27 Md. 242. And see *Hungerford v. Bourne*, 3 G. & J. 142. See also, *Roberts v. Salisbury*, 3 G. & J. 433.

When a conventional trustee may appeal. *Frey v. Shrewsbury*, 58 Md. 151; *Stewart v. Codd*, 58 Md. 86.

A trustee may appeal from the disallowance of his commissions. *Gustav, etc., Bldg. Assn. v. Kratz*, 55 Md. 398.

No appeal from an order refusing to rescind a previous order appointing a receiver. *Hull v. Caughy*, 66 Md. 105.

An order directing a receiver to retain a certain sum to abide the result of an action at law, and providing that if the plaintiff therein should recover a judgment, he should be treated by the receiver as a general creditor, is final and an appeal lies therefrom. *Emory v. Faith*, 113 Md. 256.

An order granting leave to a party to sue a receiver at law, is not wholly within the discretion of the court of equity, and hence is appealable. *Emory v. Faith*, 113 Md. 256.

No appeal from the action of the circuit court in ratifying an inquisition of condemnation, the jurisdiction of the circuit court being a special, statutory and limited one. *Brown v. Philadelphia*, etc., R. R. Co., 58 Md. 544.

When a decree is final, warranting an appeal under this section. *Ware v. Richardson*, 3 Md. 555; *Waverly, etc., Assn. v. Buck*, 64 Md. 342.

No appeal from an order vacating a decree passed during the term at which the decree was rendered. The powers and duties of the court of appeals are defined and limited. *Wylie v. Johnston*, 29 Md. 302.

Though a defendant does not answer, and allows an interlocutory decree to go against him, he may appeal from the final decree. *Lippy v. Masonheimer*, 9 Md. 315.

An appeal lies from an order appointing a committee for an habitual drunkard. *Tome v. Stump*, 89 Md. 272.

No appeal from an order by default or by consent. *Ringgold's Case*, 1 Bl. 9.