

856 STATE EX REL. ARK. PUBLICITY & PARKS COMM. [228
v. WOODWARD.

STATE EX REL. ARK. PUBLICITY & PARKS COMM. v.
WOODWARD.

5-1479

310 S. W. 2d 803

Opinion delivered March 10, 1958.

APPEAL & ERROR—APPEALABLE DECISION—DEMURRER, ORDER OVERRULING.
—Order overruling demurrer held not a final decision from which
an appeal would lie.

Appeal from Washington Chancery Court; *Thomas F. Butt*, Chancellor, appeal dismissed.

Bruce Bennett, Atty. General; *Russell J. Wools*,
Asst. Atty. Gen'l., for appellant.

Hugh M. Bland and *Shaw, Jones & Shaw*, for ap-
pellee.

ED. F. McFADDIN, Associate Justice. The appeal
herein must be dismissed because of lack of a final and
appealable order.

Woodward filed suit to quiet title to certain lands;
and the Arkansas Publicity and Parks Commission
(hereinafter called "Commission") demurred to the
complaint. The Court overruled the demurrer in an or-
der which reads:

"IT IS THEREFORE CONSIDERED, OR-
DERED, ADJUDGED, AND DECREED that the de-
murrers of the defendant be and the same are hereby
overruled since the Court has jurisdiction of the parties
and subject matter herein and the defendants are given
20 days to file an answer to the amended complaint of
the plaintiff. The defendants objected to the action of
the Court and asked that their objections be noted of
record and the same is hereby done."

From the foregoing copied order the Commission
has attempted this appeal. In *Radford v. Samstag*, 113
Ark. 185, 167 S. W. 491, an appeal was attempted from
an order overruling a demurrer to the complaint. We
said: "The chancery court in overruling the demur-

rer did not adjudge the rights of the parties, and consequently there was no final order from which an appeal could be taken." In *Arkansas State Board of Architects v. Larsen*, 226 Ark. 536, 291 S. W. 2d 269, we reviewed many of our cases, all to the effect that when there is no final order, an appeal will not lie.

Therefore, the appeal is dismissed.
