

the substantial merits of a cause will not be determined by the reversing or affirming of any decree or order that may have been passed by a court of equity, or that the purposes of justice will be advanced by permitting further proceedings in the cause, either through amendment of any of the pleadings or the introduction of further evidence, making additional parties, or otherwise, then the Court of Appeals, instead of passing a final decree or order, shall order the cause to be remanded to the court from whose decision the appeal was taken, and thereupon such further proceedings shall there be had by amendment of pleadings, or further testimony to be taken, or otherwise, as shall be necessary for determining the cause upon its merits, as if no appeal had been taken in the cause, and the decree or order appealed from had not been passed, save only that the order or decree passed by the Court of Appeals shall be conclusive as to the points finally decided thereby. And it shall be the duty of the Court of Appeals, in its order remanding the cause, to express the reasons for the remanding, and also to determine and declare the opinion of the court on all points which may have been made before the said court, or which may be presented by the record.

PROVISIONS RELATING TO APPEALS FROM COURTS OF LAW OR EQUITY.

29. Upon any appeal being taken in a court of law or equity, or any writ of error sued out, the clerk shall make out and transmit to the Court of Appeals a full transcript of the record of proceedings, under the seal of the court, within nine months after the appeal has been entered or writ of error produced; and upon the receipt of such transcript, the clerk of the Court of Appeals shall enter the case upon his docket, as of the term next after the date of the appeal or of the writ of error.

30. No appeal shall be dismissed because a copy of the record shall not have been transmitted within the time required by law, if it shall appear to the Court of Appeals that such delay was occasioned by the neglect or omission of the clerk.

31. No execution upon any judgment or decree in any court of law or equity shall be stayed or delayed, unless the person against whom such judgment or decree shall be rendered or passed, his heirs, executors or administrators, or some other person in his or their behalf, shall immediately, upon praying an appeal from any such judgment or decree, or suing out a writ of