from the decision of a lower Court on a plea of *nul tiel record*, it has been decided to be necessary to take a bill of exceptions, and insert therein the writing produced as the record, otherwise there is no mode in which the Court of Appeals can revise the judgment below, Dorsey v. Whetcroft, 1 H. & J. 463, and see Ayres v. Kain, 3 G & J. 24. As to what the record is upon a plea of *nul tiel record*, see Boteler v. the State, 8 G. & J. 380.[12] The general rule is, too, that written documents must be included at length, or so much of them as is necessary to show the point raised, that the Court may judge of their effect, Thomas v. Catherall, 5 G. & J. 23; Ragan v. Gaither, 11 G. & J. 472;[13] though of course this may be dispensed with by written agreement as in Casey v. Inloes, 1 Gill, 430; and in making up the record the clerk is directed not to copy the same paper twice, Code, Art. 5, sec. 2.[14] But see now the New Rules of the Court of Appeals, *infra*. In *Clemens v. the Mayor, &c. *supra*, a record book of the Commis- **130** sioners of Streets was offered in evidence, objected to, and the objection overruled. The book did not appear in the bill of exceptions, and the Court of Appeals held that it could not decide upon the propriety of the refusal of the Court below to sustain the objection.[15] And it has been repeatedly

[12] The bill of exception must set out the record offered, the ruling of the court with respect to it and the exception thereto. No prayer is necessary, nor is it necessary that the exception should be formally signed before judgment on the plea. State v. Jenkins, 70 Md. 472; Le Strange v. State, 58 Md. 26; First Bank v. Weckler, 52 Md. 30; McKnew v. Duvall, 45 Md. 501.

[13] But it is the uniform practice to sign bills of exception leaving documentary evidence to be inserted where the bill indicates it is to go in. State v. Jenkins, 70 Md. 472; Wilson v. Merryman, 48 Md. 328.

[14] Code 1911, Art. 5, sec. 12.

[15] **Documentary evidence—Answers to questions excepted to.**—Where documentary evidence is either admitted, or excluded, in the trial court, it must be set out in the exception; otherwise it will not be reviewed on appeal. Kurrle v. Baltimore, 113 Md. 63; Junkins v. Sullivan, 110 Md. 539; Ridgely v. State, 75 Md. 510; Dorbert v. State, 68 Md. 209.

So where a question, which is excepted to, is allowed but the answer is not contained in the bill of exception, the ruling cannot be reviewed on appeal, as the court must be able to see that the party excepting has been injured by allowing the question. Iron Co. v. Stanfield, 112 Md. 360; King v. Zell, 105 Md. 435; Brashears v. Orme, 93 Md. 442; Lewis v. Tapman, 90 Md. 294; Turnpike Co. v. Hebb, 88 Md. 132; Jackson v. Jackson, 82 Md. 17; Friedenwald v. Baltimore, 74 Md. 116; Balto. Turn. Rd. v. State, 63 Md. 573; Balto. Turn. Rd. v. Crowther, 63 Md. 558; Herrick v. Swomley, 56 Md. 439; Wilson v. Merryman, 48 Md. 328; Lawson v. Price, 45 Md. 123.

But where an exception is taken to the ruling of the court sustaining an objection to a proper and pertinent question it is not necessary to set out in the record what the answer of the witness to the question would have been. Mt. Vernon Co. v. Teschner, 108 Md. 158, 171; Devoe v. Singleton, 80 Md. 68; Kurrle v. Baltimore, 113 Md. 67; Calvert Co. v. Gantt, 78 Md. 286, which overruled the earlier cases of Blumhardt v. Rohr, 70 Md. 328; Taylor v. Brown, 65 Md. 366; Blaen-Avon Co. v. McCulloh, 59 Md. 403.