

This section violated in that the particulars in which the proof was supposed to be defective and all the evidence connected therewith, were not set out. *Wilson v. Merryman*, 48 Md. 342.

This section sufficiently complied with. *Blake v. Pitcher*, 46 Md. 462. See also *Davis v. State*, 38 Md. 51.

Exceptions taken by the appellee ought not to go into the record. *Hoffman v. Coombs*, 9 Gill, 284.

Trial courts should strictly enforce this section. *Boyd v. Cross*, 35 Md. 200.

Cited but not construed in *Caledonia Ins. Co. v. Traub*, 80 Md. 222; *Scarlett v. Academy of Music*, 43 Md. 210.

*Cf. sec. 38, et seq.*

An. Code, sec. 11. 1904, sec. 11. 1894, ch. 33, sec. 10A. 1922, ch. 418, sec. 11.

**13.** A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof if more than one judge sat at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been or may hereafter be tried is, by reason of death, sickness, or other disability, or by reason of the expiration of his term of office, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such cause has been or is taken in stenographic notes, or if the said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he cannot fairly pass upon said motion, and allow and sign said bill of exceptions, then he may in his discretion grant a new trial to the party moving therefor.

The act of 1922, ch. 418, being remedial, will be liberally construed to effect its purpose; law prior thereto. When trial judge is beyond seas another judge may sign bill of exceptions. Laches not made out. *State v. Phillinger*, 142 Md. 369.

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 11. Rule 6.

**14.** In no bill of exception shall any patent, deed, will, or other documentary evidence be inserted at length, but shall only be stated briefly, according to its import and effect, unless the nature of the question raised and decided render it necessary that it should be inserted *in extenso*; nor shall any document be more than once inserted at large in any transcript to be sent to the court of appeals. And it shall be the duty of the judges of the courts below to require exceptions to be prepared in accordance with this rule. Either party, however, shall have the right to have any or all of such documentary proof inserted at length, it being stated in the exception at whose instance the same is so inserted, that costs may be awarded as the matter so incorporated may be deemed proper or not by the court of appeals to have been set out in full.

As to the cost of records, see art. 36, sec. 13.