

Clerk the amount of such cost, so that the Clerk shall not be required to pay out money for printing and incur the risk of loss in not being able to collect the cost from the parties from whom it may be due, after the work is done. And if there be cross-appeals, or more than one appeal, embraced in one transcript, the cost shall be duly apportioned; and no appeal shall be considered as ready for hearing until this rule shall be complied with by the appellant or appellants. But nothing herein contained shall be taken to prevent the appellee from having the appeal dismissed, or the judgment, order or decree affirmed, under rule of Court, for failure on the part of the appellant to have the appeal ready for argument.

Where several parties appeal from the same decree, one of the appellants will not be required to pay for an additional record which has no bearing on his appeal. Correct practice as to the payment of costs where several parties have conflicting or different interests affected by the same decree. Cross appeals. This section construed in connection with sec. 46. *Boyce v. McLeod*, 107 Md. 8.

The only method by which a record can be brought into the court of appeals is as pointed out by this section and sec. 43. An agreed statement of facts cannot be substituted. *McDevitt v. Bryant*, 104 Md. 190.

See art. 36, sec. 13.

An. Code, sec. 50. 1904, sec. 50. 1888, sec. 48.

54. All briefs in civil causes preparatory to the argument of such causes, as required by the rule of court, shall be filed with the clerk in manuscript; and the clerk shall furnish the requisite number of printed copies thereof, at the rate of cost provided in the preceding section; and the amount of such cost shall be paid, or secured to be paid, by the party required to furnish such briefs, at the time of delivery thereof, to the clerk, and before argument; and any party failing to comply with this section shall be considered in default under the rules of court, for not furnishing briefs as thereby required.

See notes to sec. 55.

An. Code, sec. 51. 1904, sec. 51. 1888, sec. 49. Rule 40.

55. Either party may file written or printed arguments in any cause pending in the court of appeals, but the cost of such arguments shall not be taxed as part of the costs of the cause. A sufficient number of printed copies of the argument shall be furnished for the court, the counsel concerned, the reporter and the clerk. If the party filing the argument think proper, he may have the printing done on the best terms he can make; provided it be in good, clear, readable type; but if the clerk of the court of appeals be required to have the argument printed, he shall be entitled to charge therefor the actual cost of printing the same, and be entitled to demand the amount of said cost before having the same printed. But in no case shall a brief or argument be received, either through the clerk or otherwise, after the cause has been argued or submitted, unless it be upon special leave granted in open court, after notice to opposing counsel.

A long established course of construction treats the cost of printing briefs as taxable in the case, while this section seems to exclude the cost of printed arguments from being so taxed; loose use of terms "briefs" and "printed arguments"; lower court bound by decision of court of appeals as to costs. *Maloy v. McLean*, 140 Md. 308.