

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.

Bill of exceptions signed too late under act 1916, ch. 625, applicable to Baltimore City. "Not less than thirty days prior to the time," etc., means thirty clear days, exclusive of both terminal days. Consent to postponement—estoppel. *Stiegler v. Eureka Life Ins. Co.*, 146 Md. 658.

See notes to sec. 12.

An. Code, 1924, sec. 14. 1912, 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.

An. Code, 1924, sec. 15. 1912, sec. 13. 1904, sec. 13. 1888, sec. 12. Rule 7.

15. In making up the transcript of records to be transmitted to the court of appeals, the clerks of the courts below shall omit from such transcripts the formal headings and commencement of the record, stating only the titling of the cause, and the time of the commencement of the suit or proceedings; they shall also omit all writs, or original process for appearance, where the party has appeared; all entries of continuances and imparlances; all entries of motions and rules to declare or plead; all entries of applications for continuances, for commissions, or for warrants of resurvey, and the affidavits in support thereof, together with the rulings of the court on such applications; all entries of motions or rules of security for costs, together with the proceedings and rulings thereon; all entries of empanneling, swearing, and names of jurors, and all other merely incidental motions and rules made in the progress of the cause; all pleadings withdrawn, waived or superseded by amendment; all commissions to take testimony and the formal returns thereto, and all warrants of resurvey, the clerk stating the time of issue and return of such warrant; all replevin, *retorno habendo*, and appeal bonds, and affidavits filed on taking appeals;