

Cited but not construed in *Cityco Realty Co. v. Slaysman*, 160 Md. 366; *Elfont v. Elfont*, 161 Md. 474.

Influence of this section upon the lower court. *Gough v. Crane*, 3 Md. Ch. 135.

See notes to sec. 40.

An. Code, 1924, sec. 42. 1912, sec. 38. 1904, sec. 38. 1888, sec. 36. 1818, ch. 193, sec. 14. 1832, ch. 302, sec. 6.

42. If it shall appear or be shown to the court of appeals that 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.

Cases remanded.

Cases remanded that proof may be taken: *Peoples v. Ault*, 125 Md. 698; *Ibid.*, 128 Md. 404; *Cacy v. Slay*, 127 Md. 501; *Meinhardt v. Meinhardt*, 117 Md. 429; *Tobin v. Rogers*, 121 Md. 253; *B. & O. R. R. Co. v. Silberstein*, 121 Md. 421 (continuing injunction); *Bliss v. Bliss*, 133 Md. 77; *Dimpfel v. Wilson*, 107 Md. 341; *Barroll v. Farman*, 88 Md. 201; *Hoffman v. Hoffman*, 66 Md. 575; *Hagerty v. Mann*, 56 Md. 529; *Gechter v. Gechter*, 51 Md. 190; *Brown v. Thomas*, 46 Md. 641; *Bull v. Pyle*, 41 Md. 425; *Johnson v. Robertson*, 31 Md. 492; *Stump v. Henry*, 6 Md. 210; *Winchester v. Baltimore*, etc., R. R. Co., 4 Md. 242; *Buchanan v. Lorman*, 3 Gill, 82; *Darnall v. Hill*, 12 G. & J. 398; *Harris v. Harris*, 6 G. & J. 115.

Cases remanded that pleadings may be amended and proof taken: *Glenn v. Clark*, 53 Md. 607; *Shreve v. Shreve*, 43 Md. 403; *Campbell v. Lowe*, 9 Md. 509; *Berry v. Episcopal Church*, 7 Md. 581; *Thomas v. Doub*, 1 Md. 328; *Owings v. Baldwin*, 8 Gill, 357; *Buchanan v. Torrance*, 11 G. & J. 345; *Chaney v. Tipton*, 11 G. & J. 255; *Evans v. Iglehart*, 6 G. & J. 205; *Owings v. Baldwin*, 8 Gill, 357.

Cases remanded that an answer may be filed: *Keyser v. Upshur*, 92 Md. 740; *C. & P. Telephone Co. v. Baltimore*, 89 Md. 717; *Johnson v. Robertson*, 34 Md. 175; *Tolson v. Tolson*, 8 Gill, 390; *Lyles v. Hatton*, 6 G. & J. 136.

Cases remanded that the bill may be amended: *Gittings v. Baltimore*, 95 Md. 427; *Commercial, etc., Assn. v. Robinson*, 90 Md. 625; *Judik v. Crane*, 81 Md. 620; *Jeffrey v. Flood*, 70 Md. 46; *Bayne v. Edelen*, 62 Md. 110; *Keerl v. Keerl*, 28 Md. 161; *Thomas v. Doub*, 1 Md. 328; *Kent v. Taneyhill*, 6 G. & J. 4.

Cases remanded that accounts may be stated: *Trieber v. Lanahan*, 23 Md. 136; *Reese v. Bank of Commerce*, 14 Md. 284; *Carr v. Hobbs*, 11 Md. 296; *Young v. Reynolds*, 4 Md. 384; *Clagett v. Hall*, 9 G. & J. 97.

Cases remanded that other parties may be made: *Jarrell v. Felton*, 86 Md. 692; *Foos v. Scarf*, 55 Md. 313; *Ridgeley v. Bond*, 18 Md. 451; *Marbury v. Stonestreet*, 1 Md. 162; *Iglehart v. Lee*, 4 Md. Ch. 514; *Clagett v. Hall*, 9 G. & J. 97.

Cases remanded for miscellaneous purposes: *Boeto Lodge v. Grand Lodge*, 134 Md. 359 (for further proceedings); *Welch v. Colgon*, 126 Md. 15 (to amend petition); *In re Paca*, 140 Md. 53 (to amend petition by adding prayer for process); *Carlin v. Harris*, 100 Md. 56 (that further proceedings may be taken); *Wilson v. Blount*, 93 Md. 34 (that decree may be corrected); *Cockey v. Plempel*, 86 Md. 188 (that supplementary bill may be dismissed and case heard upon original bill); *Riley v. Carter*, 76 Md. 613 (that decree may be passed between co-defendants); *Girault v. Adams*, 61 Md. 13 (that certain money may be paid or, in default, certain property sold); *Rust v. Chisolm*, 57 Md. 384 (that a mechanic's lien claim may be amended); *Perkins v. Emory*, 55 Md. 38 (that an error may be corrected and a claim enforced); *Stanhope v. Dodge*, 52 Md. 494 (that claims may be proved and distribution made); *Light Street, etc., Co. v. Bannon*,