

47 Md. 145 (that bill may be amended, proof taken and further proceedings had); *Smith v. Shaffer*, 46 Md. 579 (that proceedings may be amended); *Fulton v. Harman*, 44 Md. 267 (that omissions in the record may be supplied); *Cole v. Cole*, 41 Md. 305 (that the case may be disposed of in conformity with the opinion of the appellate court); *Thruston v. Minke*, 32 Md. 577 (that property may be decreed to be sold free of mortgages); *Smith v. Townsend*, 27 Md. 391 (that proof may be taken and an account stated); *Mory v. Michael*, 18 Md. 242 (that further proceedings may be had); *Baltimore, etc., Dept. v. Creamer*, 17 Md. 259 (that further proceedings may be had); *Phelps v. Stewart*, 17 Md. 240 (to have a new partition and assignment of dower); *Glenn v. Cockey*, 16 Md. 455 (to appoint a new trustee); *Gayle v. Fattle*, 14 Md. 86 (that further proceedings may be had); *Willett v. Carroll*, 13 Md. 469 (that further proceedings may be had); *Greer v. Baughman*, 13 Md. 278 (that a fund may be properly applied); *Dugan v. Hollins*, 11 Md. 81 (that further proceedings may be had); *Hutchins v. Dixon*, 11 Md. 41 (that further proceedings may be had); *Williams v. Banks*, 11 Md. 251 (that further proceedings may be had according to the opinion); *Robertson v. American, etc., Assn.*, 10 Md. 408 (that the decree may be corrected and further proceedings had); *Rider v. Grey*, 10 Md. 301 (that a proper decree may be passed); *Lanahan v. Latrobe*, 7 Md. 273 (that further proceedings may be had); *Watson v. Banc*, 7 Md. 130 (that the decision of the appellate court may be made effective); *Bowie v. Stonestreet*, 6 Md. 434 (that the decision of the appellate court may be made effective); *Wilson v. Farquharson*, 5 Md. 140 (that an investment may be made, and interest paid); *White v. Flannigan*, 1 Md. 551 (that further proceedings may be had); *Clagett v. Hall*, 9 G. & J. 97 (that pleadings may be amended, other parties made, further accounts stated and testimony taken); *Young v. Lyons*, 8 Gill, 170 (for further proceedings); *Peters v. Van Lear*, 4 Gill, 265 (that further proceedings may be had).

Generally.

Where injunction granted to prevent erection of house involving easement for light and air, case remanded for modification of decree. *Lane v. Flautt*, Daily Record, June 7, 1939.

The case when remanded stands as though no appeal had been taken and no former decree passed. The opinion of the court of appeals controls. *Dennis v. Dennis*, 15 Md. 149; *Williams v. Banks*, 19 Md. 35. And see *Eyler v. Hoover*, 8 Md. 1.

Under this section, the appellate court may without remanding the case, pass a final and effective decree for the payment of money. On the other hand, the appellate court may remand the case with specific directions as to the decree to be passed by the lower court. *Winter v. Gittings*, 102 Md. 467. And see *Young v. Frost*, 1 Md. 394.

Upon remanding the case, the court of appeals does not dispose of the matter of costs, but leaves it to await the final determination of the case; no appeal from the determination of a court of equity on the matter of costs. This section quoted and applied. *Smith v. Shaffer*, 50 Md. 132.

After a decree of the appellate court has been enrolled, an application under this section to vary the decree will not be granted except upon consent, or in respect of matters which are of course. *Williams v. Banks*, 19 Md. 528.

For a case reviewing the authorities on this section and denying an application thereunder filed on the ground that certain facts in the agreed statement upon which the case was tried below, were not true, see *Smith v. Hooper*, 95 Md. 33.

Application under this section, denied. *McGaw v. Gortner*, 96 Md. 493; *Smith v. Hooper*, 95 Md. 33; *Rogers, etc., Co. v. Citizens' Bank*, 93 Md. 618; *Lenderking v. Rosenthal*, 63 Md. 38; *Benscotter v. Green*, 60 Md. 333; *Paine v. France*, 26 Md. 47; *General Ins. Co. v. United States Ins. Co.*, 10 Md. 528; *McElderry v. Shipley*, 2 Md. 37; *Warnick v. Michael*, 11 G. & J. 159.

The last cause of this section applied. *Meinhardt v. Meinhardt*, 117 Md. 429; *Tobin v. Rogers*, 121 Md. 253; *B. & O. R. R. Co. v. Silberstein*, 121 Md. 421; *Smith v. Shaffer*, 50 Md. 132; *Eyler v. Crabbs*, 2 Md. 155; *White v. Flannigan*, 1 Md. 539.

Quare, whether this section applies in a case for the sale of an equitable leasehold interest. *Lenderking v. Rosenthal*, 63 Md. 38.

Cited but not construed in *C. & P. Telephone Co. v. Baltimore*, 90 Md. 640; *Crane v. Judik*, 86 Md. 64; *Riley v. First National Bank*, 81 Md. 24; *Amey v. Cockey*, 73 Md. 307; *Postal, etc., Co. v. Snowden*, 68 Md. 121; *Collins v. Foley*, 63 Md. 166; *Dodge v. Stanhope*, 55 Md. 114; *McCahan v. Columbian, etc., Assn.*, 40 Md. 235; *Gregg v. Baltimore*, 14 Md. 507; *Wilson v. Watts*, 9 Md. 454 (dissenting opinion); *Williams v. The Savage Co.*, 3 Md. Ch. 423; *Engle v. Fidelity & Guaranty Co.*, 175 Md. 185.

Cause remanded that proper parties may be made. *Kaliopulus v. Lumm*, 15 Md. 42.

This section does not authorize court to remand case at instance of appellee to correct error which did not injure appellant. *Harrison v. Robinette*, 167 Md. 83.

In suit by vendors to rescind contract of sale of land because of purchasers' refusal to accept title, where purchasers averred readiness to perform if title was good, held that evidence was too meager to determine alleged defects and case remanded, without affirmance or reversal, for further evidence. *Farm Homes Corp. v. Adams*, 171 Md. 212.