

to have been raised in said court shall be considered by the Court of Appeals.

Rules of Court of Appeals,  
No 4  
Art 5, s 12,  
1825, c 117, s 1,  
1862, c 154,  
What decided by Court of Appeals  
22 Md 85, 159 25  
Md 19, 484, 26  
Md 222, 27 Md  
115, 211, 604, 28  
Md 115, 191, 465,  
29 Md 361, 30  
Md 6, 224, 284,  
294, 402, 489, 585  
31 Md 229, 294,  
32 Md 52, 196,  
354, 34 Md 182,  
299 492, 521, 35  
Md 361, 36 Md

7. In no case shall the Court of Appeals decide any point or question which does not plainly appear by the record to have been tried and decided by the court below; and no instruction actually given shall be deemed to be defective by reason of any assumption therein of any fact by the said court or because of a question of law having been thereby submitted to the jury; unless it appear, from the record, that an objection thereto for such defect was taken at the trial; nor shall any question arise in the Court of Appeals as to the insufficiency of evidence to support any instruction actually granted, unless it appear that such question was distinctly made to and decided by the court below.

Const art 4,  
s 15,  
1870, c 263  
What cases to stand for hearing in Court of Appeals at first term after record transmitted  
34 Md 568.

8. All appeals in cases of mandamus, or questions arising under the insolvent laws, on exceptions taken on the trials of issues sent from the Orphans' Courts or courts of equity, orders granting injunctions, dissolving or refusing to dissolve the same, appointing a receiver, ratifying or refusing to ratify a trustee's sale, and all appeals from decisions of the Orphans' Court, and from any judgments or motions to set aside sales, or apply money in the hands of the sheriff, and all appeals from decisions on matters of law, made by the courts of Baltimore city, in relation to the streets in said city, shall stand for hearing at the first term after the transmission of the record; *provided*, that from every final judgment or order granting or refusing a peremptory mandamus in any case hereafter brought, involving the title or right to a public office, either party shall have a right to appeal within twenty days, and on such appeal the clerk of the court shall forthwith transmit the original papers, including the judgment or order, to the Court of Appeals, and said court shall immediately hear and determine the case.

Proviso.

Const. art. 4,  
s 15  
Art 5, s 11  
1831, c 68, s 4  
Priority of State

9. All cases where the State is interested shall stand for hearing at the first term after the transmission of the record.

Art 5, s 5  
1832, c 208  
Issues from Orphans' Court or court of equity  
21 Md 356, 26  
Md 53, 36 Md  
604  
Exceptions.  
Appeal

10. In cases of issues sent from the Orphans' Court or a court of equity to a court of law to be tried, exceptions may be taken to any opinion given by the court before whom such issues shall be tried, and an appeal taken on such exceptions; and such appeal, while pending, shall stay all proceedings in the Orphans' Court touching the matter of such issues.

Rules of Court of Appeals,  
No 5  
Bills of exceptions, how prepared  
38 Md 19, 41  
Md 565, 44 Md  
308

11. Bills of exceptions shall be so prepared as only to present to the Court of Appeals the rulings of the court below upon some matter of law, and shall contain only such statement of facts as may be necessary to explain the bearing of the rulings upon the issues or questions involved; and, if the facts are undisputed, they shall be stated as facts, and not the evidence from which they are deduced; and if disputed, it shall be sufficient to state that evidence was adduced tending to prove them, instead of setting out the evidence in detail; but if a defect of proof be the ground of the ruling