

or exception, then the particulars in which the proof is supposed to be defective shall be briefly stated, and all the evidence offered, in anywise connected with such supposed defect, shall be set out in the bill of exceptions. And it shall be the duty of the judges in the courts below to require exceptions to be prepared in accordance with this rule.

12. 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 to have been set out in full by the Appellate Court.

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of Appeals,
No 6
Documentary
evidence, how
set out

13. In making up the transcripts of records transmitted to the Court of Appeals, the clerks of the courts below shall omit from such transcripts the formal heading 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 impanelling, swearing, and names of jurors, and all other mere incidental motions and rules, made in the progress of the cause; all pleadings withdrawn, waived, or superseded by amendment; all commissions to take testimony and the formal returns thereto, and all warrants of resurvey, the clerk stating the time of issue and return of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; all formal entries of motions for new trials, and the rulings thereon, together with the affidavits and other evidence used on such motions, the clerk stating in lieu thereof the fact of such motion being made, and how disposed of by the court. unless, where any of the foregoing matters or proceedings may be used as evidence in the cause, or where some question may arise in regard thereto, reviewable by the Court of Appeals, then so much only of any such matter or proceeding as may be used in evidence, or as appertain to the decision or determination desired to be reviewed, shall be incorporated in the transcript, and no more; the intent being to avoid incorporating in the trans-

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of Appeals,
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Transcripts of
records, how
made up.