

tinuances; all injunction bonds, receivers' bonds, trustees' bonds, appeal bonds and affidavits filed on appeal; all proceedings in the cause subsequent to the decree or order appealed from; and all merely collateral proceedings not in anywise involved in the matter of appeal, and which cannot be material to the hearing and decision of the case by the Court of Appeals; any party to the appeal, however, shall have the right to direct any particular part of the proceedings of the cause, that would otherwise be omitted, to be incorporated in the transcript, the clerk stating at whose instance the same is inserted, that costs may be awarded, as the matter so directed to be incorporated may be deemed material or not by the Court of Appeals.

Rules of Court of Appeals, No. 12. Documentary evidence, how set out.

48. Whenever deeds, records, or other documentary evidence are used in any equity cause, the purport and substance only of such deeds, records, or other instruments shall be stated, and they shall not be set out in full in any case, except where some question arises upon the construction or validity thereof, and transcripts of records in equity causes shall be prepared in accordance with this rule. Any party to the appeal, however, shall have the right to direct any or all of such documentary proof to be inserted at length, the clerk stating 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.

1861, c. 33. When no objection to competency of witness, admissibility of evidence, averments or accounts stated allowed. 21 Md 578, 23 Md 66, 30 Md 485, 33 Md 48, 226, 35 Md 593, 42 Md 231, 46 Md 636.

49. On an appeal from a court of equity, no objection to the competency of a witness, or the admissibility of evidence, or to the sufficiency of the averments of the bill or petition, or to any account stated and reported in said cause, shall be made in the Court of Appeals, unless it shall appear by the record that such objection has been made by exceptions, filed in the court from which such appeal shall have been taken.

Art 5, s 27. 1841, c 163. No objection to jurisdiction allowed, unless taken below. 21 Md 66, 26 Md 347, 35 Md 496, 45 Md 477.

50. No defendant to a suit in equity in which an appeal may be taken, shall make any objections to the jurisdiction of the court below, unless it shall appear by the record that such objection was made in said court.

Art 5, s 28. 1818, c 193, s 14, 1832, c 302, s 6. Cause may be remanded for amendment or testimony or further proceedings. 20 Md 131, 23 Md 116, 26 Md 46, 27 Md 368, 28 Md 157, 29 Md 59, 31 Md 476, 32 Md 577, 34 Md 283, 34 Md 165, 41 Md 305, 419, 43 Md 382, 44 Md 267, 46 Md 636.

51. 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