

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.

Reasons for remanding to be expressed in order.

PROVISIONS RELATING TO APPEALS FROM COURTS OF LAW AND EQUITY.

52. Upon any appeal being taken in a court of law or equity, or application to take up the record as upon writ of error allowed, the clerk of such court shall make out, and transmit to the Court of Appeals, a transcript of the record of proceedings, under the seal of his office, in accordance with the sections of this article relating to the making up of transcripts of records, and within the time prescribed by law, and upon the receipt of such transcript, the clerk of the Court of Appeals shall enter the case upon his docket as of the term next after the receipt of such transcript.

Rules of Court of Appeals, No 15
Clerk of court below to make up and transmit transcript of proceedings.

Clerk of Court of Appeals, when to enter case on his docket

53. No appeal shall be dismissed because the transcript shall not have been transmitted within the time prescribed, if it shall appear to the Court of Appeals that such delay was occasioned by the neglect, omission, or inability of the clerk; but such neglect, omission, or inability shall not be presumed, but must be shown by the appellant.

Rules of Court of Appeals, No 16
Delay by clerk below not to dismiss appeal
30 Md 75, 422, 485, 43 Md 471, 31 Md 672, 35 Md 126, 37 Md 363, 41 Md 130, 45 Md 574.

54. If any appeal shall be dismissed because of the failure of the clerk to send up a transcript of the record within time, such dismissal shall not prevent a subsequent appeal; *provided*, such subsequent appeal be taken within the time limited by law.

Art 5, s 8.
1343, c 41
When subsequent appeal allowed.
Proviso.

55. If the clerk shall have prepared the transcripts of the records as required by law, and the appellant or plaintiff in error shall have neglected or omitted to pay for such record, or by any other neglect or omission on the part of the appellant or plaintiff in error, the said record shall not be sent to the Court of Appeals within the time prescribed by law after the appeal has been entered, or writ of error allowed, the court from which the appeal was taken may, on motion, strike out the entry of such appeal, and proceed to execution, or other proceedings, as if such appeal had never been entered, and thereafter no other appeal or writ of error shall be allowed.

Rules of Court of Appeals, No 10
1864, c 322
Effect of delay occasioned by appellant or plaintiff in error
31 Md 476, 33 Md 474, 34 Md. 529, 37 Md 363, 39 Md 175, 42 Md 381, 47 Md. 47
Entry of appeal to be stricken out on motion

56. In all cases of cross-appeals, or of more than one appeal being entered in the same case from any judgment, decree, or order, there shall be but one transcript of the record transmitted to the Court of Appeals, and that shall be used upon the hearing of all such appeals. In cases arising under this rule, the Appellate Court shall have power to award costs, including the cost of transmitting the record, to either of the parties in its discretion, or the costs may be apportioned as the said court may deem just.

Rules of Court of Appeals, No 17
One transcript of record in cases of cross-appeals, etc.

Costs