

ment 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 rulings of security for costs, together with the proceedings and rulings thereon; all entries of empanneling, swearing, and names of jurors, and all other merely incidental motions and rules made in the progress of the cause; all pleadings withdrawn, waived or superseded by amendment; all commissions to take testimony and the formal returns thereto, and all warrants of resurvey, the clerk stating the time of issue and return of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 warrants; 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 proceedings 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 transcript any matter or thing not material to the full and fair presentation of the questions to be reviewed by the appellate court.

Weir v. State, 39 Md. 343. Fox v. State, 89 Md. 381.

1888, art. 5, sec. 13. 1860, art. 29, sec. 41. 1785, ch. 80, sec. 6. 1878, ch. 61.

**14.** Upon the reversal or affirmance of the judgment of a court of law, the court of appeals shall award the costs which may have accrued in the court below, and in the court of appeals, in such manner as to the said court seems right and proper, and shall give judgment for the same, and may enforce such judgment by execution.

Seller v. Zimmerman, 21 Md. 355. Price v. Nesbitt, 37 Md. 618. State v. Mayor & C. C. of Balto., 52 Md. 398. State v. Malster, 57 Md. 314. Attrill v. Patterson, 58 Md. 261.