

1888, art. 5, sec. 35 1860, art. 5, sec 27. 1841, ch. 163.

37. 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.

Farmers and Mechanics' Bank v. Wayman, 5 Gill, 336 *O'Neill v. Cole*, 3 Md. Ch. 174. *Gough v. Crane*, 3 Md. Ch. 135. *Dunnoek v. Dunnoek*, 3 Md. Ch. 149. *Pierson v. Trail*, 1 Md. 143. *Beall v. Hilliary*, 1 Md. 197. *O'Neill v. Cate*, 4 Md. 107. *Gough v. Crane*, 4 Md. 316. *Teackle v. Gibson*, 8 Md. 70. *Knight v. Brawner*, 14 Md. 6. *Hubbard v. Jarrell*, 23 Md. 66. *Gough v. Manning*, 26 Md. 347. *Ashton v. Ashton*, 35 Md. 496 *Laeber v. Langhor*, 45 Md. 477. *Estep v. Mackey*, 52 Md. 592 *Wicks v. Westcott*, 59 Md. 270. *Biddinger v. Willard*, 67 Md. 363. *Shryock v. Morris*, 75 Md. 77. *Cherbonnier v. Goodwin*, 79 Md. 61. *Melvin v. Aldridge*, 81 Md. 657.

Ibid sec 36. 1860, art 5, sec. 28. 1818, ch. 193, sec. 14 1832, ch. 302, sec 6.

38. 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 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.

Eversfield v. Eversfield, 4 H. & J. 12. *Kent v. Taneyhill*, 6 G. & J. 1. *Boyd v. Boyd*, 6 G. & J. 25. *Harris v. Harris*, 6 G. & J. 111. *Lyles v. Hatton*, 6 G. & J. 122. *Evans v. Iglehart*, 6 G. & J. 171. *Clagett v. Hall*, 9 G. & J. 80 *Warwick v. Michael*, 11 G. & J. 159. *Chaney v. Tipton*, 11 G. & J. 253. *Buchanan v. Torrance*, 11 G. & J. 342 *Richardson v. Stillinger*, 12 G. & J. 477 *Hutchins v. Hope*, 12 G. & J. 388. *Glenn v. Hebb*, 12 G. & J. 271 *Darnall v. Hill*, 12 G. & J. 388 *Berry v. Pierson*, 1 Gill, 234. *Buch-*