

grant a mandamus, *certiorari* or other appropriate writ, in aid of its appellate jurisdiction. *Ex parte O'Neill*, 8 Md. 227; *Sevinsky v. Wagus*, 76 Md. 336; *Hendrick v. State*, 115 Md. 558.

The act of 1835, chapter 339, authorizing any party to a clause to have a transcript of chancery proceedings transmitted to the court of appeals for the purpose of getting its opinion touching the validity of certain acts and on such other points as the parties might by agreement have submitted to the lower court, held unconstitutional. *Lawrence v. Hicks*, 2 G. & J. 386.

An appeal lies from the order of the court of common pleas removing a trustee in insolvency and dismissing a petition for the benefit of the insolvent laws; such right of appeal is not taken away by section 28. *Van Nostrand v. Carr*, 30 Md. 130.

As to appeals, see article 5 of the Annotated Code.

Sec. 15. Four of said Judges shall constitute a quorum; no cause shall be decided without the concurrence of at least three; but the Judge who heard the cause below shall not participate in the decision; in every case an opinion, in writing, shall be filed within three months after the argument or submission of the cause; and the judgment of the court shall be final and conclusive; and all cases shall stand for hearing at the first term after the transmission of the record.

The portion of this section requiring a written opinion to be filed within three months, is directory and not mandatory. *Reargument denied. McCall's Ferry Co. v. Price*, 108 Md. 112.

The portion of this section requiring a written opinion in every case and providing that the judgment of the court shall be final and conclusive, held not to require the court of appeals to express opinions upon moot questions or abstract propositions; this section contemplates some action by the court of appeals which will be effective and binding. *State v. Shields*, 49 Md. 305.

The portion of this section requiring a written opinion to be filed in three months, construed not to apply where a case is affirmed because the judges of the court of appeals are equally divided. *Johns v. Johns*, 20 Md. 61.

The portion of this section providing that "the judgment of the court shall be final and conclusive," applied in a *habeas corpus* case. *State v. Glenn*, 54 Md. 595.

The act of 1872, chapter 310, purporting to authorize the court of appeals to reopen and rehear certain cases and pass such judgment, decrees, etc., as right and justice require, held invalid under the portion of this section providing that the "judgment of the court shall be final and conclusive;" except for special cases and on certain equitable grounds, courts may not interfere with or disturb their final judgments and decrees after the lapse of the term at which they were rendered. *Dorsey v. Gary*, 37 Md. 74.

An appeal held to have been regularly placed on the docket of the court of appeals under this section and article 5, section 39, of the Annotated Code. After a judgment has become enrolled and an appeal therefrom entered, bond to stay execution filed and the record transmitted to the court of appeals, the trial court has no jurisdiction to entertain a motion to strike out the judgment on the ground of surprise and fraud. *United Rys. Co. v. Corbin*, 109 Md. 54.

In view of the last clause of this section, the necessity for a rule argument no longer exists and such rules are never laid. *Moore v. Taylor*, 81 Md. 649.

Sec. 16. Provision shall be made by law for publishing reports of all causes argued and determined in the Court of Appeals, which the Judges shall designate as proper for publication.

See article 80, section 5, of the Annotated Code.