the cause at the same term of the court at which said order for removal was passed.

This section was not intended to be restrictive, but enlarging. It does not militate against right of the court in which the action originated, up to time the record is actually transmitted, to change court to which the case is removed. Atlantic, etc., Co. *v.* Maryland, etc., Co., 64 Md. 305.

This section is merely declaratory of a power which courts already had. Seth *v.* Chamberlain, 41 Md. 195; Atlantic, etc., Co. *v.* Maryland, etc., Co., 64 Md. 304. And see Manly *v.* State, 7 Md. 147.

For cases declaring unconstitutional portion of act of 1874, ch. 94, providing that no case should be removed unless applicant paid costs of the record within sixty days after passage of the order of removal and caused record to be transmitted within same period, see Hoyer *v.* Colton, 43 Md. 423; Knee *v.* Baltimore, etc., Ry. Co., 87 Md. 632.

Removal of Cases from Courts of Law to Courts of Equity and Vice Versa.

An. Code, sec. 115. 1904, sec. 113. 1896, ch. 229.

124. In every case at law or in equity in which it shall appear that the plaintiff is entitled to some relief or to some remedy, but not in the particular court, or on the side of the court in which the suit is brought or the relief is prayed, the plaintiff shall not on that account be non-suited or the case dismissed; but the case may, in the discretion of the judge presiding in the court in which the suit is pending, at any time, in any action at law, before the jury retire to consider their verdict, or in a suit in equity, before the final decree is signed, be removed by an order in writing signed by the judge or judges there presiding, to such proper court or docket, either of equity or law, in the same county or city, as the nature thereof may require, and thereupon such proceedings shall be had, by amendment of the pleadings and otherwise, as shall conform the case to the course of the court to which the same shall have been removed, under such general or special rules as each of such courts may prescribe for the adjustment of costs, the prevention of delay and the promotion of justice.

It does not follow that after pleadings have been amended at time case is removed in conformity with this section, no further amendment of pleadings can be made; analogy between such a case and issues sent from orphans' court to court of law, denied. Martin Fertilizer Co. *v.* Thomas & Co., 135 Md. 638.

This section is constitutional. Insurance Co. of North America *v.* Schall, 96 Md. 227.

No appeal lies from action of the lower court in removing or refusing to remove case under this section. Summerson *v.* Schilling, 94 Md. 607; Safe Deposit Co. *v.* Cahn, 102 Md. 542.

Where upon appeal it was held that plaintiff was not entitled to relief in equity, case was remanded for further proceedings by lower court under this section. Maryland Hotel Co. *v.* Baltimore Engraving Co., 92 Md. 725.

The policy of the law as shown by this section pointed out. Safe Deposit Co. *v.* Cahn, 102 Md. 542.

Cited but not construed in Brehm *v.* Sperry, 92 Md. 408.

As to equitable defenses at law, see sec. 91, *et seq.*

This section is identical with art. 26, sec. 44.

Replevin.

An. Code, sec. 116. 1904, sec. 114. 1888, sec. 108. 1785, ch. 80, sec. 14. 1888, ch. 547.

125. All replevin bonds and *retorno habendo* bonds may be given by the plaintiff or defendant, as the case may be, or on their behalf, and the