

1874, c 94
When court
may strike out
order for re-
moval
41 Md 186

118. Until the record in any cause has been actually transferred. from the court passing the order of removal, to the court to which it is removed, the court passing the order shall have power to strike out the order of removal, on motion of the party applying for the same, and when so stricken out, the cause shall proceed as if no motion for removal had been made; but the motion for removal shall not be renewed by the same party after the expiration of the term at which the order for removal was stricken out; *provided*, that no such motion to strike out an order for removal shall be entertained, unless the same shall be made in time to admit of the trial of the cause at the same term of the court at which said order for removal was passed.

Time

1874, c 94
Costs
43 Md 424

119. In all civil cases where an order for removal shall have been passed in any cause, the party upon whose motion said order was passed, shall pay or tender to the clerk of the court in which said cause was pending at the time of said order for removal, the cost of the record in said case, within sixty days after the passage of such order, and the clerk shall cause the said record to be transmitted to the court to which the same was ordered to be removed within said sixty days.

Transmission of
record

COURT IN BANC.

1868, c 441, s 1
Questions re-
served for court
in banc

120. When at the trial of any cause any party to such cause shall require any point or question decided by the court to be reserved for the consideration of the court in *banc*, and either of the judges of the said court shall be disqualified to sit in such cause, then it shall be lawful for the party at whose instance the point or question shall be reserved to elect to have such point or question decided by the remaining judges or judge who may be qualified to sit in such cause, or to have the cause removed to some other court of a different circuit for the decision of the judges thereof, or of such of said judges who may be qualified to sit in such cause in *banc*, or to take an appeal to the Court of Appeals; and if such party or his counsel shall fail to make and file such election in writing within thirty days after the announcement of such disqualification, or within thirty days after the trial of the cause in case such announcement shall have been made before the trial, then such point or question shall be decided by the remaining judges or judge who may be qualified to sit in such cause; *provided*, that every point or question reserved upon a motion for a new trial shall be decided by the remaining judges or judge who may be qualified to sit in such cause.

Election

Removal

Appeal

Time within
which to elect.

Proviso.

Id s 2
Form of excep-
tions

121. Points or questions reserved for the court in *banc* shall be taken by means of exceptions, to be reduced to writing, and signed and sealed by the judges or judge before whom the cause may be tried, and so framed that the point or question may be fully presented as to both law and fact, in case the cause shall be trans-