

1890, ch. 95.

35. It shall be the duty of any crier appointed by the Court of Appeals to be in attendance at the rooms of said court every day in the year, legal holidays and Sundays excepted; and he shall receive for his services one thousand dollars per annum, payable in quarterly instalments; and whenever in the judgment of said court the attendance or services of a sheriff may be required in said court, the judges thereof may direct a sheriff to attend or perform such services, for which attendance and services the said sheriff shall be entitled to a per diem of three dollars and fifty cents; and the judges of said court shall, at the end of each session of the said court, give such sheriff a certificate of the number of days for which he is entitled to said per diem.

1892, ch. 353. 1894, ch. 255.

35 A. The judges of the Court of Appeals are authorized to appoint a messenger to the court, and he shall receive one thousand dollars, to be paid to him in quarterly instalments.

Removal of Cases from Courts of Law to Courts of Equity.

1896, ch. 229.

42. 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.