

1888, art. 75, sec. 43. 1860, art. 75, sec. 32. 1785, ch 80, sec 4.  
1809, ch. 153, sec. 1.

**44.** Where an amendment is allowed after the jury is sworn and the court shall consider a continuance necessary to a fair trial of the cause a juror shall be withdrawn, but if the court considers that a continuance is not necessary to a fair administration of justice the jury may proceed and try the case after the amendment.

*Garrett v. Dickerson*, 19 Md. 499.

*Ibid.* sec. 44. 1860, art. 75, sec. 33. 1785, ch. 80, sec. 4  
1809, ch. 153, sec. 1.

**45.** In all cases of amendment the allowance of costs shall be in the discretion of the court.

*Spencer v. Trafford*, 42 Md. 1.

#### Arbitration and Award.

*Ibid.* sec. 45. 1860, art. 7, sec. 1. 1778, ch. 21, sec. 8.

**46.** Any cause instituted in any of the courts of this State may, by rule of court and by consent and agreement of the parties thereto, be submitted and referred to the award and arbitrament of any person or persons, and the court may give judgment on the award of the person or persons to whom such submission and reference shall be made as of the term to which said award shall be returned and award execution thereon as upon verdict, confession or non-suit.

*West v. Stigar*, 1 H. & McH. 247. *Oliver v. Heap*, 2 H. & McH. 477. *Tillard's Lessee v. Fisher*, 3 H. & McH. 118. *Whetcroft v. Dorsey*, 3 H. & McH. 357. *Dorsey v. State*, 3 H. & McH. 388. *Hardy v. Moore*, 3 H. & McH. 389. *Bowie v. State*, 3 H. & McH. 408. *Howard v. Warfield's Admr*, 4 H. & McH. 21. *Somerville v. Trueman*, 4 H. & McH. 46. *Duvall v. Wells*, 4 H. & McH. 164. *West v. Stiger*, 4 H. & McH. 490. *Yates v. Petty*, 1 H. & J. 58. *Goldsmith v. Tilly*, 1 H. & J. 361. *Selby v. Gibson*, 1 H. & J. 362 (note a). *Harris v. Dorsey*, 1 H. & J. 416. *Fisher v. State*, 1 H. & J. 416. *Walsh v. Gilmor*, 3 H. & J. 383. *Kenner v. Kennedy*, 4 H. & J. 240. *Barney v. Smith*, 4 H. & J. 496. *Chapman v. Dixon*, 4 H. & J. 531. *Cromwell v. Owings*, 6 H. & J. 10. *Hewitt v. State*, 6 H. & J. 95. *Rigden v. Martin*, 6 H. & J. 403. *Allegre v. Md. Ins. Co.*, 6 H. & J. 408. *Griffith v. Jarrett*, 7 H. & J. 73. *Archer v. Williamson*, 2 H. & G. 67. *Armstrong v. Robinson*, 5 G. & J. 412. *Shriver v. State*, 9 G. & J. 1. *Caton v. McTavish*, 10 G. & J. 192. *Wilson v. York & Md. Line R. R. Co.*, 11 G. & J. 58. *Dorsey v. Dorsey*, 11 G. & J. 299. *State v. Jones*, 2 Gill, 49. *Randall v. Glenn*, 2 Gill, 430. *Lewis v. Burgess*, 5 Gill, 129. *Baynard v. Norris*, 5 Gill, 468. *Emery v. Owings*, 7 Gill, 488. *State v. Williams*, 9 Gill, 175. *Phillips v. Shipley*, 1 Bl. 516. *Contee v. Dawson*, 2 Bl. 276. *Carter v. Calvert*, 4 Md. Ch. 199. *Young v. Reynolds*, 4 Md. 375. *Price v. Thomas*,