

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.

*Summerson v. Schilling*, 94 Md. 607. *Ins. Co. v. Schall*, 96 Md. 226.

#### Replevin.

1888, art. 75, sec. 108. 1860, art. 75, sec. 59. 1785, ch. 80, sec. 14.  
1888, ch. 547.

**114.** 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 clerk shall have power to swear all parties executing such bonds, whether as principals or securities, as to their pecuniary sufficiency, and may also interrogate under oath the plaintiff in any replevin touching the value of the goods and chattets proposed to be replevied, in order to determine the proper penalty to be named in the replevin bond. The court, upon return of any writ of replevin, shall have power, upon motion being made by the defendant for a return of the property taken under the writ, to inquire into the circumstances and manner of the defendant's obtaining possession of such property; and if it shall appear that such possession was forcibly or fraudulently obtained, or that the possession being first in the plaintiff was got or retained by the defendant without proper authority or right derived from the plaintiff, the court may refuse to order a return to the defendant until a judgment is given in the action.

*Montgomery v Black*, 4 H. & McH. 391. *Cullum v. Bevans*, 6 H. & J. 471. *Glenn v. Fowler*, 8 G. & J. 340. *Norfolk & Western R. R. v. Hoover*, 79 Md 254.

*Ibid* sec 109. 1860, art. 75, sec. 60. 1825, ch. 65, sec. 2. 1852, ch 336

**115.** If the defendant in replevin shall be returned "summoned," and shall not appear in person or by attorney on or before the fourth day of the term next succeeding that to which such return shall be made, the court shall, on motion,