

any way in the property taken under the suit of *replevin*; and any person having any interest in or right to such property may upon a breach of the condition of such bond maintain an action on such bond in the name of the State for the use of such person so having an interest in or right to such property.

Reservation of Points for Court in Banc.

1888, art. 75, sec. 112. 1868, ch. 441, sec. 1.

119. 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.

Ibid. sec. 113. 1868, ch. 441, sec. 2. *Ante* art. 5, sec 11.
1894, ch. 33, sec. 10 A.

120. Points or questions reserved for the court in banc shall be taken by means of exceptions, to be reduced to writing, and signed 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 transmitted to the court of appeals instead of being heard by the court in banc.

Ibid. sec. 114. 1868, ch. 441, sec. 3.

121. Whenever any cause shall be removed to any other court upon a point or question reserved for the court in banc, as