

Court in *banc* in counties.—By sec. 22 of Art. 4³⁵ of the Constitution, it is provided that where any term is held or trial conducted by less than the whole number of Circuit Judges, upon the decision or determination of any point or question by the Court it shall be competent to the party, against whom the decision or ruling is made, upon motion to have the point in question reserved for the consideration of the three Judges of the Circuit, who shall constitute a Court in *banc* for such purpose, the motion for such reservation to be entered of record during the sitting at which such decision may be made. And the several Circuit Courts shall regulate by rules the mode and manner of presenting such points or questions to the Court in *banc*, and the decision of said Court in *banc* shall be the effective decision in the premises, and conclusive as against the party at whose motion said points or questions were reserved. But such decision in *banc* shall not preclude the right of appeal, or writ of error, to the adverse party in those cases, civil or criminal, in which appeals or writs of error to the Court of Appeals may be allowed. This section does not apply to the Supreme Bench of Baltimore City, see sec. 33 of the same Article.

In Ford's case, 12 Md. 514, a criminal case, the judge below, in his decision of a motion to strike out the docket entries of the verdict, alleged to have been improperly made, and to arrest the judgment, which was embodied in the transcript of the record transmitted on error to the Court of Appeals, set forth the facts which had occurred upon the rendition of the verdict: and it was held that the latter Court might review the judgment pronounced by the inferior Court, notwithstanding the original docket entries shewed a proper verdict, the entry otherwise being a clerical misprison. But see *State v. Williams*, 5 Md. 82.

Rules of 1869.—Since the above was written, the new Rules and Regulations respecting Appeals have been promulgated by the Court of Appeals in accordance with Art. 4, sec. 18 of the Constitution, and will be found prefixed to the 29th volume of the Maryland Reports. By the 5th³⁶ rule it is provided, that bills of exception shall be so prepared as only to present the rulings of the Court below upon some matter of law, and shall contain only such statement of facts as may be necessary to explain the bearing of the rulings upon the issues or questions involved; and if the facts are undisputed, they shall be stated as facts, and not the evidence from which they are deduced; and if disputed, it shall be sufficient to state that evidence was adduced tending to prove them, instead of setting out the evidence in detail; but if a defect of proof be the ground of the ruling or exception, then the particulars in which the proof is supposed to be defective shall be briefly stated, and all the evidence offered, in anywise *connected 135 with such defect, shall be set out in the bill of exception. And it shall be the duty of the judges in the Courts below to require exceptions to be prepared in accordance with this rule. And by the 6th rule³⁷ it is provided, that in no bill of exception shall any patent, deed, will, or other documentary evidence be inserted at length, but shall only be stated briefly, according to

³⁵ *Shuey v. Stoner*, 47 Md. 167; *Costigin v. Bond*, 65 Md. 122.

³⁶ Code 1911, Art. 5, sec. 10.

³⁷ Code 1911, Art. 5, sec. 12.