"General assembly shall provide for the trial of causes in case of the disqualification of all the judges of the circuit to hear and determine the same, but in case of such disqualification, the parties thereto may by consent appoint a person to try the same; and the parties to any cause may submit the same to the court for determination without the aid of a jury."

That permits parties to submit their causes to the court without the intervention of a jury, and also provides for the case of the disqualification of the judge, and it does not mix up the two subjects which were intended to be included in this section.

Mr. SANDS. I would just remark that the proposition submitted by the gentleman from Allegany (Mr. Thruston) proceeds upon the supposition that we have already determined to have a plurality of judges in the several circuits. Now I do not think from what I know of the temper of the house, that that is likely to be the prevailing sentiment here.—The language of the amendment as read certainly implies that we have decided in favor of a plurality of judges in the circuit. This says "in case of the disqualification of all the judges of the circuit," &c. Now from what I have learned by conversation with other members, I think it is pretty well determined that we are to have but a single judge in the circuit, and perhaps a new districting of the State.

Mr. THRUSTON. The language I have used will cover the case whether there are one, two, or three judges. If there is but one judge he will be "all of the judges of the circuit."

Mr. STIRLING. The committee on revision can alter it if necessary.

Mr. THRUSTON. It will be construed to mean but one judge, if there is but one.

The question being taken upon the amendment of Mr. THRUSTON, it was adopted.

No further amendment was offered to the section.

REMOVAL OF CAUSES.

Section ten was then read as follows:

Sec. 10. The judge or judges of any court of this State, except the court of appeals, may order and direct the record of proceedings in any suit or action, issue or petition, presentment or indictment pending in such court, to be transmitted to some other court in the same or an adjoining circuit having jurisdiction in such causes, whenever any party to such cause, or the counsel of any party, shall make it satisfactorily appear to the court that such party has a substantial ground of action or defence, and cannot have a fair and impartial trial in the court in which such suit or action, issue or petition, presentment or indictment is pending; and the general assembly shall make such modifications of existing law as may be necessary to regulate and give force to this provision.

Mr. STIRLING. I move to strike out the words "has a substantial ground of action or defence, and." It will then read—"make it satisfactorily appear to the court that such party cannot have a fair and impartial trial in the court," etc. I am not prepared to say whether I like this section or not. It restricts the right of removal which now exists, and requires a party to satisfy the court that he cannot have a fair and impartial trial there, before he can remove his cause. He can now remove it upon his own affidavit, and I also cannot see how you should require a criminal to disclose his defence, in order to satisfy the court that he has a good ground of action.

Mr. STOCKBRIDGE. I greatly prefer the section as it stands, to the section as it will stand if the amendment be made which my colleague (Mr. Stirling) has proposed. No person who is at all familiar with the course of proceedings in this State for the last fifteen years, but knows that one of the greatest abuses which has grown up in our courts, has been the constant removal of causes without any reason, and for the purpose of promoting delay, and the promoting the ends of justice from being accomplished. Civil causes and criminal causes alike have been removed upon the affidavits of parties, and the records of the State, I am sorry to say, will show more utterly reckless and unconscionable swearing in that respect, I think, than in any other. It is an every-day practice for persons to go into court professing a readiness for trial, in criminal cases and in civil cases. But if they find the adverse party there with their witnesses ready to proceed, then they make affidavit that they cannot have a fair trial, and ask that it be removed, in the hope that, being sent to some county at some distance, ten, twenty, forty or fifty miles away, the witnesses would not follow; that the adverse party will be worried out. It has often happened in criminal cases, when the State was represented in one county by an able district attorney, and indifferently represented in the adjoining county, that they have sought to avoid an able prosecution against them, by putting it into the hands of a different State's attorney, who being separated from the witnesses, probably never seeing them until the cause is ready for trial; and then perhaps being compelled to go into court with but a part of the witnesses in the cause. I know that the court in many counties have used great efforts to procure the attendance of witnesses, and required them to follow parties where the causes have been removed. The removal of the cause often operates, in the first instance, a long postponement of the cause. Then after the postponement has continued, witnesses must make a long and expensive journey. And sometimes witnesses to a small matter of