city. After ten jurors had been sworn to try him, he filed his suggestion for a removal, and the case was removed to Anne Arundel county, and tried there. The case was taken before the court of appeals, and they held that the removal was properly made, upon the construction of the old law of 1804, which gave the right of removal in its broadest terms; upon the mere suggestion made in writing by the party, it was obligatory upon the court to make order for the removal. In the trial of that case by the court of appeals a suggestion was thrown out by the court that a further provision in regard to the removal of criminal cases would be a proper one, but that it must originate with the legislature, and if adopted it would doubtless be guarded by limitations which might prevent this abuse. It was argued in that case that the party had really submitted his case to the jury on the day the jury had been summoned, and ten of them had been sworn to try the case. In the estimation of the court it was an abuse of that privilege for the removal to take place after the case had got thus far towards a trial.

That case was decided in 1849. Immediately after that decision the constitutional convention of 1850 met. It was composed of the most eminent men in the State; there were many lawyers in the body. And they adopted the provisions of the present constitution, which have been cited by the gentleman from Howard (Mr. Sands,) the code merely codifying the provisions in the constitution. They restricted the right of removal in accordance, I suppose, with the suggestions of the court of appeals in the case in 1849. They allowed the suggestion to be made by the party; they did not leave it discretionary with the court to remove; but required the court to remove it upon such suggestion, provided, however, "that such suggestion shall be made before or during the term on which the issue or issues may be joined in said suit or action, issues or petition, presentment or indictment." That got rid of the difficulty; and I suppose that was the only difficulty the convention of 1850 saw in this subject of removal. The old law that had existed since 1804 and '05, was a constitutional provision, allowing the removal to be made at any time, even after eleven jurors had been sworn, as the court of appeals had decided in 1849. The convention restricted the right of removal to the term at which the issues were joined.

If abuses have crept in under this system, since the adoption of the constitution of 1850, it would seem that we get rid of the abuses by providing that the removal should be made within a certain specified time after the indictment is found or the action commenced. It should not be left, as this section now leaves it, entirely discretionary with the judge to allow the removal or not. It has grown up in this State to be considered almost as a matter of right that a cause should be removed to an adjoining county for trial upon the suggestion of the party. The old common law required the jury to come from the vicinage where the act was committed, or where the party lived. But in very early times, both in England and in this country that was departed from, and this right of removal allowed.

It seems to me this section will in effect shut out the right of removal in many cases; it is shutting it up a little too close to leave it entirely discretionary with the judge, to require the party to disclose his ground of defence to the judge.

Mr. SANDS. The legislation subsequent to the adoption of the present constitution, shows that it was the sentiment of the legislature thus acting, that the right given by the constitution should be enlarged instead of restricted. I will read the two sections, and that will be seen at a glance. The first, from the present constitution, is as follows:

"And provided also, that such suggestion shall be made as aforesaid, before or during the term in which the issue or issues may be joined in said suit or action, issues or petition, presentment or indictment, and that such further remedy in the premises may be provided by law, as the legislature shall from time to time direct and enact."

The provisions of the present code show that when they were adopted the legislature deemed the provisions of the present constitution too strict in thus binding the parties down to the time of the joining of issue; that it was impeding his right of removal, therefore the legislature went on to say in section seventy-two of article seventy-five of the code, that even after the issues were made up, if the party became satisfied after they were so made up that he had not the chance for a fair trial in the court in which the issues had been made up, even then he should be entitled to the right of removal. The action of the legislature, as it stands embodied in the code, shows that they thought the provision upon this subject in the constitution needed enlarging rather than restricting.

Mr. KENNARD. I do not rise for the purpose of engaging in this discussion. But from my intimate relations with one of the courts of adjudicature in Baltimore, some matters of this sort have come under my personal observation. During the present term of our court there have been twenty-three cases removed from our city to the adjoining county; and I believe it has been done in every case for the purpose of avoiding justice. At a previous session of the court a party was on trial for bigamy. The main witness was living at a distance, and the court ordered him to be brought to Baltimore city at an expense of over one hundred