

1 remain undeterred to keep out of the Constitution things
2 that have no necessity for insertion there. This refers
3 to the right of removal in civil cases. It concerns the
4 practice where the mere filing of an affidavit requires
5 that the Court transfer the case out of the jurisdiction.
6 This rule has been essentially abused in my own county.
7 I know in other jurisdictions it has also been subject to
8 abuse.

9 The right of a removal should be guaranteed
10 by ~~statute~~ or by rule of Court as is the case in Federal
11 jurisdiction and in most states.

12 I won't occupy the time and attention of this
13 Convention by belaboring the point. The right of removal
14 has been abused and while the right should be preserved
15 it should be preserved in the Legislature. The abuse of
16 this right of removal is one of the contributing factors.
17 This should be left to the General Assembly and Courts
18 and not enshrined forever in the Constitution.

19 DELEGATE CLARK: The Chair recognizes Delegate
20 Kiefer.

21 DELEGATE KIEFER: Mr. Chairman, there have been