

1 That will be perpetuated by law or by rule so we feel there
2 is no necessity to include it in the Constitution.

3 DELEGATE CLARK: Delegate Grant.

4 DELEGATE GRANT: I have heard a great deal of
5 discussion about the right of removal being abused where
6 the case originates. One of the advantages of practicing
7 in a remote place, you get a lot of transfer cases. Just
8 listen to the local counsel tell the reasons they have for
9 transferring cases. It will make your hair stand on end.
10 This gives you right of removal in equity cases.

11 We have had right of removal in criminal cases.
12 If you needed to get a fair judge you had to have the judge
13 say himself that he was unfair and I submit to you if you
14 could expect him to make that decision fairly you wouldn't
15 have had to ask for the removal.

16 DELEGATE CLARK: Delegate Carson.

17 DELEGATE CARSON: Mr. Chairman and Ladies and
18 Gentlemen, I rise in support of the amendment. By taking
19 out Section 8 you do not destroy the right of removal. All
20 you do is leave it up to the General Assembly and the
21 Court of Appeals by rule as they shall operate to define