

set for trial, but I do not think that is a matter of great moment. I think the Court of Appeals would be able —

THE CHAIRMAN: Your answer was to be as intended, meaning at a date prior to trial.

DELEGATE MACDONALD: That would be up to the Court of Appeals to set out the rule.

DELEGATE BAMBERGER: I would like to ask Delegate Macdonald if he would yield to a question.

THE CHAIRMAN: Delegate Macdonald?

DELEGATE MACDONALD: I yield.

DELEGATE BAMBERGER: Is is the intent of this amendment that in an instance where a litigant thought that a particular judge or a particular jury panel would not give him an impartial trial that the case could not be transferred to another court in that county, but it must in every instance be removed to another county?

DELEGATE MACDONALD: It would depend on when he filed his motion for removal. If a party filed his motion for removal more than thirty days prior to the time his case was set for trial, he would have an unqualified right. But within the last thirty days before the time set by trial, he could get it only as it is permitted by the Court.

THE CHAIRMAN: Are you ready for the question? The question arises on the Amendment 13-A as a substitute for Amendment 13. If the motion is carried, Amendment 13-A is carried for Amendment 13 and you will then vote on the substitute. If the motion is lost, the question will be before you on Amendment 13 open to further amendment.

The question arises on the adoption of Amendment 13-A to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 13-A that is a vote in favor of the substitution. This is not a final vote on the amendment. A vote No is a vote against the amendment, that is a vote against the substitution.

Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 51 votes in the affirmative and 63 in the negative, the motion is lost. The amendment to the amendment is rejected.

The question now rises on Amendment No. 13.

Delegate Moser, do you desire to offer your amendment as a substitute?

DELEGATE MOSER: Mr. Chairman, I suppose I better.

THE CHAIRMAN: Just advise the Chair yes or no.

DELEGATE MOSER: Yes.

THE CHAIRMAN: Pages will please distribute amendment X.

This will be Amendment 13-B as a substitute for Amendment 13.

The Clerk will read the amendment.

READING CLERK: Amendment No. 13-B to Committee Recommendation R&P-2 by Delegate Moser:

On page 3 strike out all of section 8, Right of Removal of Civil Cases, comprising lines 11 through 20, inclusive; and insert in lieu thereof the following:

“Section 8. Right of Removal of Cases,

The Court of Appeals by rule or the General Assembly by law shall provide for the right of removal of cases in the trial courts.”

THE CHAIRMAN: The amendment to the amendment submitted by Delegate Moser, is there a second?

*(The motion was duly seconded.)*

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Moser.

DELEGATE MOSER: Mr. Chairman, in order to make this an appropriate substitution, I should make an amendment to this and ask for unanimous consent for that purpose.

THE CHAIR: State the modification.

DELEGATE MOSER: I would like to explain it. This was a substitute for both sections 8 and 12 and would have applied in both criminal and civil cases, but I do not think it is appropriate at this time to have it so apply and therefore in line 10 of the amendment, the last word, “courts”, I would strike and insert in lieu thereof the words “of civil cases”.