

CONSTITUTIONAL REVISION STUDY DOCUMENTS

Headnotes	Present Constitution	Constitution of 1867	Constitution of 1864
	that such suggestion is true, or that there is reasonable ground for the same, and thereupon the said court shall order and direct the record of proceedings in such presentment or indictment to be transmitted to some other Court having jurisdiction in such cases for trial and such right of removal shall exist upon suggestion in cases where all the Judges of said Court may be disqualified under the provisions of this Constitution to sit in any such case and said Court to which the record of proceedings in such suit, or action, issue, presentment or indictment may be so transmitted shall hear and determine the same in like manner as if such suit or action, issue, presentment or indictment had been originally instituted therein, and the General Assembly shall make such modification of existing law as may be necessary to regulate and give force to this provision.		ment 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.

[JUDICIAL BRANCH]

COMPARISON

Constitution of 1851	Constitution of 1776	Amendments to 1776 Constitution
ner as if such suit or action, issues or petitions, presentment or indictment, had been originally instituted therein; and <i>provided also</i> , 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, <i>presentment</i> 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.		of this State, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial Trial cannot be had in such Court, it shall and may be lawful for the said Court to order and direct the record of their proceedings in the said prosecution to be transmitted to the Judges of any adjoining County Court for Trial and the Judges of such adjoining County Court shall hear and determine the same in the same manner as if such prosecution had been originally instituted therein; <i>provided</i> , That such further and other remedy may be provided by Law in the premises as the Legislature may direct and enact. Sec. 4. If the Attorney General, or the prosecutor for the State, shall suggest, in writing, to any County Court before whom an Indictment is or may be depending, that the State cannot have a fair and impartial Trial in such Court, it shall and may be lawful for the said Court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the Judges of any adjoining County Court for Trial, and the Judges of such County Court shall hear and determine the same as if such prosecution had been originally instituted therein.