

justice cannot be done him in said court to which said suit or action, issues or petition, presentment or indictment has been removed, to file an affidavit, as prescribed by section 109, in said court to which said removal is ordered, suggesting that he can not have justice in such court, whereupon the said court shall remove the said cause, suit or action, issues or petition, presentment or indictment, to such other court having jurisdiction in such cases as the said court shall think will best tend to justice between the parties to the said suit or action, issues or petition, presentment or indictment. When any presentment or indictment for offenses which are not or may not be punishable by death shall be ordered to be removed under the provisions of section 109 no removal shall be ordered by the court to which the same shall have been removed, upon the application of the party at whose instance such presentment or indictment was not removed, unless in the exercise of its discretion the said court shall be satisfied by proof that such removal is necessary for the purpose of a fair and impartial trial.

The act of 1868, ch. 180, held applicable and this section applied. *Price v. Nesbitt*, 29 Md. 266. *Cf. Hoshall v. Hoffacker*, 11 Md. 364.

An. Code, sec. 106. 1904, sec. 104. 1888, sec. 99. 1860, ch. 159, sec. 3. 1865, ch. 187. 1868, ch. 180.

**113.** It shall be in the power and discretion of the court, should they think it proper, to cause a special panel of forty-eight jurors to be selected by the sheriff from the community at large to try any cause or causes removed under sections 109 and 112, and the court shall direct the clerk thereof to divide by ballot said number of jurors into two panels of petit jurors, and may take such order for regulating the attendance of said panels as the said court shall see fit, and the said court may direct talesmen to be summoned in said cause or causes whenever necessary.

An. Code, sec. 107. 1904, sec. 105. 1888, sec. 100. 1860, ch. 159, sec. 4. 1865, ch. 187. 1868, ch. 180.

**114.** In all criminal cases removed as aforesaid, where the party to be tried therein is detained in jail, the party so detained shall not be removed until the first day of the session of the court to which said case shall be removed.

An. Code, sec. 108. 1904, sec. 106. 1888, sec. 101. 1860, ch. 159, sec. 5. 1865, ch. 187. 1868, ch. 180.

**115.** Any of the said circuit courts, to which any cause or causes may be removed under the preceding sections, shall allow such compensation, not exceeding the sum of forty dollars in any one case, to the state's attorney, for his services in appearing to or trying said cause or causes, as they may deem just and proper, to be borne and paid by the county from which said cause or causes may be removed, or by the city of Baltimore, as the case may be.

The allowance of compensation to an officer of court, in addition to sum allowed by law and not to exceed a certain sum, is a judicial and not a clerical act which must be evidenced by an order entered under authority of the judge. This section and