

108.

See notes to sec. 106.

Removal of Causes.

109.

There is no right of removal in a proceeding for a writ of mandamus. *Baltimore v. Libowitz*, 159 Md. 28.

The filing of an affidavit by plaintiff in an action for slander, in support of motion by him for removal, stating that he could not have fair and impartial trial before the judge on the ground that the judge had, in a previous trial, improperly aided his son, as counsel for the son's father-in-law, who was defendant in action for slander, held to constitute contempt of court. Denying intention to commit contempt cannot relieve person of liability therefor. *Ex parte Bowles*, 164 Md. 318.

110.

Where case removed without opportunity of inspecting record, but papers were remanded to court of original jurisdiction for such inspection, the court could then pass further orders, including orders modifying or revoking previous orders for removal. *Lee v. State*, 161 Md. 438.

See notes to sec. 109.

1933 (Special Sess.), ch. 17.

110A. In all cases where a suggestion in writing under oath of either of the parties to the proceeding in made in any cases of presentments or indictments for offenses which are or may be punishable by death pending in any of the Courts of Law of this state that such party cannot get a fair and impartial trial in the Court in which the same may be pending, it shall not be necessary to make and transmit a copy of said proceedings, but the Clerk of the Court in which such suggestion is filed, shall forthwith upon the filing of an order of removal, made in pursuance of the provisions of Article 4, Section 8 of the Constitution of the State of Maryland, notify counsel for all parties interested in writing forthwith that the docket entries, original papers and exhibits filed with said Clerk in said cause are open to them for inspection, and said counsel shall have four days on which said Clerk's Office is open for business, excluding the day on which said notice was sent, within which to examine said docket entries, original papers and exhibits, and a transcript of the record of testimony taken, if any, and upon the fifth day said Clerk of said Court (unless a Judge having jurisdiction in said Circuit otherwise orders and directs) shall transmit the record in said cause to the Clerk of the Court to which the record has been ordered to be removed; said record to comprise and to consist of the original indictment or information, the original exhibits and the originals of all other papers filed in said cause with said Clerk, a transcript of the testimony, if any, and a copy of the docket entries. Whereupon, as soon as said record, as aforesaid, has been received by the Clerk of the Court to which said case has been removed, said cause shall stand for trial. The Clerk of the Court to which such cause is removed shall receipt to the Clerk of the Court in which the suggestion of removal was made for said original papers, and shall return the same to the latter