

104. In any case where the attendance of a witness residing within this State to a material fact cannot be procured, the case may be continued as long as the court thinks proper, if the adverse party will not admit the facts, or consent to the taking the deposition of such witness on interrogatories, before some justice of the peace where the witness resides

Id s 42
1787, c 9, s 8
Continuance for
absence of
witness within
State

105. On a special verdict, or case stated, the court shall not continue any case on a *curia advisari vult* longer than two terms.

Id s 43
1787, c 9, s 9
On special
verdict or case
stated

106. If plots returned in any cause are defective, and cannot be amended at bar, or if plots are not returned from the neglect of the surveyor, his sickness, or other accident, and the court shall think a continuance necessary for a fair trial of the cause, the same may be continued for such reasonable time as the court may determine.

Id s 44
1787, c 9, s 4.
Defective plots
or want of plots.

107. In all cases where a continuance is granted, the party applying for the same shall pay the costs of the term, unless the court shall otherwise direct.

Id s 45.
1787, c 9, s 2
Costs

REMOVAL OF CAUSES.

108. In all suits or actions at law, issues from the Orphans' Court, or other courts sitting in equity, and in all presentments or indictments, instituted in any of the courts of this State, except the Court of Appeals, having jurisdiction thereof, the judge or judges thereof, upon suggestion in writing, if made by the State's attorney, or the prosecutor for the State, or upon suggestion in writing supported by affidavit made by any of the parties thereto, or whenever any party to such cause or the counsel of any party shall, by other proper evidence, make it satisfactorily appear to the court such party cannot have a fair and impartial trial in the court in which such suit or action, issue or petition, presentment or indictment is pending, or when the judges of said court shall be disqualified under the provisions of the Constitution to sit in any such suit, action, issue, or petition, presentment or indictment, shall order and direct the record of proceedings in such suit, action, issue, or petition, presentment or indictment, to be transmitted to some other court, and of a different circuit, if the party applying shall so elect, having jurisdiction in such cases, which said court shall hear and determine the same in like manner as if such suit or action, issue or petition, presentment or indictment had been originally instituted therein; *provided*, that such suggestion shall be made before or during the time at which the issue or issues may be joined in said suit or action, issues, petition, presentment, or indictment, unless the party or parties applying for such removal shall, in addition to such affidavits as have herein already been provided for, further state under oath, that he, she, or they had come to such belief, or been convinced of that fact since the issue or issues in said cause had been made, upon which additional statements being made and filed,

Const art 4, s 8
1868, c 180
When causes
may be removed
and how
19 Md 554, 20
Md 15, 25 Md
146, 29 Md 284,
30 Md 179, 32
Md 498, 34 Md
402, 36 Md 229,
37 Md 618, 38
Md 153.

Proceedings.

Proviso