

Removal of Causes.

P. G. L., (1860,) art. 75, sec. 74. 1862, ch. 174. 1805, ch. 65, sec. 49. 1868, ch. 180. 1874, ch. 364.

97. The parties to any cause may submit the same to the court for determination without the aid of a jury; and in all suits or actions at law, issues from the orphans' court, or from any court sitting in equity, and in all cases of presentments or indictments for offences which are or may be punishable by death, pending in any of the courts of law in this State having jurisdiction thereof, upon suggestion in writing, under oath, of either of the parties to said proceedings, that such party cannot have a fair and impartial trial in the court in which the same may be pending, the said court shall order and direct the record of proceedings in such suit or action, issue, presentment or indictment, to be transmitted to some other court having jurisdiction in such case for trial; but in all other cases of presentment or indictment pending in any of the courts of law in this State having jurisdiction thereof, in addition to the suggestion in writing of either of the parties to such presentment or indictment, that such party cannot have a fair and impartial trial in the court in which the same may be pending, it shall be necessary for the party making such suggestion to make it satisfactorily appear to the court 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 when all the judges of said court may be disqualified, under the provisions of the 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.

Queen v. Neale, 3 H. & J. 158. Michael v. Schroeder, 4 H. & J. 227. State v. Dashiell, 6 H. & J. 268. Cromwell v. State, 12 G. & J. 257. Price v. State, 8 Gill, 309. Townshend v. Townshend, 9 Gill, 506. Stewart v. State, 1 Md. 134. Manly v. State, 1 Md. 141. Negro Jerry v. Townshend, 2 Md. 278. Wright v. Hamner, 5 Md. 370. State v. Shillinger, 6 Md. 449. Manly v. State, 7 Md. 135. Raab v. State, 7 Md. 483. Hoshall v. Hoffacker, 11 Md. 362. M. & C. C.