

The fact that a judge was counsel in a case theretofore tried between two of the parties to the bill, which involved some of the issues in the pending case, does not bring him within the letter or spirit of this section. *Blackburn v. Craufurd*, 22 Md. 458.

The meaning of this section (as it stood in the constitution of 1851) was that a judge who has been counsel for either of the parties is prohibited from trying the case, but not necessarily from authorizing mere matters of form tending to the preparation of the case for trial, such as the issue of commissions, particularly if the judge acts in the last named matters in the absence of all objection. Object of this section. *Buckingham v. Davis*, 9 Md. 328.

This section disqualifies a judge from sitting where his right to the office is involved. *Magruder v. Swann*, 25 Md. 205.

Sec. 8. The parties to any cause may submit the same to the court for determination, without the aid of a jury; and the Judge, or Judges of any Court of this State, except the Court of Appeals, shall order and direct the record of proceedings in any suit or action, issue or petition, presentment or indictment, pending in such court, to be transmitted to some other court, (and of a different circuit, if the party applying shall so elect,) having jurisdiction in such cases, whenever any party to such cause, or the counsel of any party, shall make a suggestion, in writing, supported by the affidavit of such party or his counsel, or other proper evidence, that the party cannot have a fair or impartial trial in the court in which 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 this Constitution to sit in any such suit, action, issue or petition, presentment or indictment; and the General Assembly shall make such modification of existing Law as may be necessary to regulate and give force to this provision.

[Sec. 8. 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 of 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 hav-