

The amendment to this section proposed by the act of 1880, ch. 417, and the fact that said act was not set out *verbatim* on the journals, referred to in upholding an amendment to art. 7, sec. 1—see notes thereto and to art. 14, sec. 1. *Worman v. Hagan*, 78 Md. 164.

See notes to art. 2, sec. 10.

Sec. 6. All Judges shall by virtue of their offices be Conservators of the Peace throughout the State; and no fees, or perquisites, commission or reward of any kind, shall be allowed to any Judge in this State, besides his annual salary, for the discharge of any Judicial duty.

Secs. 6, 24 and 31 referred to in holding that judges' salaries are not subject to State income tax (1937, Sp. Sess., ch. 11). *Gordy v. Dennis*, 176 Md. 106.

The jurisdiction of judges of the several courts of this state in *habeas corpus* cases is co-extensive with the limits of the state; hence the restriction upon the power of judges over the writ of *habeas corpus* attempted by the act of 1880, ch. 6, sec. 1, is nugatory. *State v. Glenn*, 54 Md. 595. And see *Sevinsky v. Wagus*, 76 Md. 336.

The act of 1841, ch. 271, imposing a tax upon monies deposited in Baltimore county court, or coming into the hands of trustees, etc., to be paid to the judges of said court as a part of their salary, held not to violate this section as it stood in the Constitution of 1851. *Bradford v. Jones*, 1 Md. 369.

See notes to sec. 14.

Sec. 7. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as now are or may hereafter be prescribed by Law, or where he shall have been of counsel in the case.

This section does not preclude the Court of Appeals from entertaining an appeal from a decision that the salary of a judge, not of that Court, is entitled to exemption from State income tax, although all judges are collaterally interested. *Gordy v. Dennis*, 176 Md. 107.

Where one of the three judges of the orphans' court who signs an order appointing an administrator is disqualified under this section, the order is not thereby invalidated since the signature of the other two judges is sufficient. *In re Curtis Est. v. Piersol*, 117 Md. 170.

This section refers only to judges or courts of record or courts of law, and not to justices of the peace. The action of judges in certifying to the reasonableness of a fee to counsel appointed under art. 26, sec. 7, of the Code, does not disqualify them to sit in a suit for the recovery of the fee. What amounts to a "disqualification" under this section. *Charles County v. Wilmer*, 131 Md. 178.

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.

Cited but not construed in *Ex parte Bowles*, 164 Md. 325.

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