

CHAPTER 69

(Senate Bill 17)

AN ACT to repeal and re-enact, with amendments, Section 109 of Article 75 of the Annotated Code of Maryland (1951 Edition—being the same section in the 1939 Edition), title “Pleadings, Practice and Process of Law,” sub-title “Removal of Cases,” providing for the removal of criminal cases where the penalty on conviction is or may be by confinement in the Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 109 of Article 75 of the Annotated Code of Maryland (1951 Edition—being the same section in the 1939 Edition), title “Pleadings, Practice and Process of Law,” sub-title “Removal of Cases,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

109. The parties to any cause may submit the same to the court for determination without the aid of the 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 of indictments for offenses which are or may be punishable by death *or by imprisonment in the Maryland Penitentiary,* 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

EXPLANATION: *Italics indicate new matter added to existing law.*

[Brackets] indicate matter stricken from existing law.

CAPITALS indicate amendments to bill.

~~Strike out~~ indicates matter stricken out of bill.