

## CHAPTER 364.

AN ACT to amend section eight of article four, of the Constitution of the State of Maryland.

Amendment to  
the Constitu-  
tion.

SECTION 1. *Be it enacted by the General Assembly of Maryland, three-fifths of all the members of the two Houses concurring,* That the following section be and the same is hereby proposed as an amendment to the Constitution of this State, and if adopted by the legal and qualified voters thereof, as provided, it may be the same to supercede and stand in the place of section eight of article four of said Constitution.

May submit to  
the court.

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 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 this Constitution to sit in any such case; and said court to which the record of pro-

Cannot have  
fair trial.

It shall be  
necessary.

Such right  
shall exist.