

1 basis and I fear that by adopting the federal language
2 we may in fact destroy our present system which has been
3 set up under the statutes and rules of the court, and to
4 freeze the thing at that level.

5 THE CHAIRMAN: Are there any questions of the
6 sponsor of the amendment?

7 Does any person desire to speak in opposition?

8 DELEGATE CARSON: Mr. Chairman, ladies and
9 gentlemen, the language which the majority proposes and
10 which our amendment would have the benefit of keeping
11 largely keeps it a right of the individual to be charged
12 by a grand jury in cases of capital or otherwise infamous
13 crimes.

14 This is exactly the language of the U. S. Fifth
15 Amendment.

16 Under the federal system, an accused may waive
17 the trial by jury. He may waive his right to be
18 presented by indictment if he so desires, except in
19 cases of capital crime, so these rights may be waived and
20 the federal cases are very clear to that effect.

21 I think it is desirable that in cases that are