

to have due process for witnesses, to examine witnesses for and against him under oath, and to a speedy trial by an impartial jury without whose unanimous consent he ought not be found guilty."

That is the present Declaration of Rights. We are not in any way attempting to change what was already the existing Declaration of Rights in this regard.

DELEGATE J. CLARK (presiding): Delegate Carson.

DELEGATE CARSON: Chairman Kiefer, is the answer to my question yes?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: I would assume it is, if it is a criminal prosecution, yes.

DELEGATE J. CLARK (presiding): Delegate Carson.

DELEGATE CARSON: The answer is that on a crime which carries a ten dollar fine but no possibility of incarceration the man has a right to a jury trial under your language. The answer is yes, then?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: Not under my language, under the language of the present Declaration of Rights and under the language that we are now recommending to this Convention.

DELEGATE J. CLARK (presiding): Delegate Carson.

DELEGATE CARSON: I think you have clarified it. You mean "yes".

DELEGATE KIEFER: Yes, I mean yes.

DELEGATE J. CLARK (presiding): Are there any further questions on section 5?

Delegate Willoner.

DELEGATE WILLONER: I just want to clear up something.

Delegate Bothe indicated you have an initial right to trial by jury in a traffic offense, but you do not. Jury trials can be and have been limited. What happens is you have to be tried before the traffic court, and then you have an appeal de novo, and at that stage of the game you can have a jury trial.

We are not intending to change the present law of Maryland, but the Committee was very strong, because even this minor

ten dollar offense could ruin a career or two if you are convicted.

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: I might say, ladies and gentlemen, we are getting into a field now where I am sort of like that guide up in the Maine woods who had a group of people showing them around on a hunting trip. Finally it was obvious he was lost, and he said, "I am the best damned guide in Maine but I think we have just gotten over into Canada."

DELEGATE J. CLARK (presiding): Delegate Henderson.

DELEGATE HENDERSON: I would like to suggest perhaps if not to the Chairman, to Mr. Willoner or one of our other experts on criminal law that in setting up the new court system and putting qualified judges in the lower court instead of laymen who are appointed for two year terms without much qualification that there is no occasion to continue this provision of the present Constitution which allows duplicate trials and appeals de novo in every type of petty criminal case.

DELEGATE J. CLARK (presiding): Delegate Henderson, is this not more an argument than a question, sir?

DELEGATE HENDERSON: I expect it is.

DELEGATE J. CLARK (presiding): Are there any further questions on section 5?

Delegate Pullen.

DELEGATE PULLEN: Mr. Chairman, I have been trying to entertain myself by reading the Constitution of the United States.

Mr. Chairman, I am referring to Article 7, trial by jury in civil cases. Is it correct that in suits at common law where the penalty in controversy shall exceed \$20, the right of trial by jury shall be preserved and no fact tried by a jury shall be otherwise reexamined in any court of the United States, according to the rules of common law.

DELEGATE J. CLARK (presiding): What is your question?

DELEGATE PULLEN: I ask if that is a correct reading of Article 7?

DELEGATE J. CLARK (presiding): Delegate Kiefer.