

Pages will please distribute amendment AG.

This will be Amendment No. 14. The Clerk will read the amendment.

READING CLERK: Amendment No. 14 to Committee Recommendation R&P-1 by Delegate Henderson:

On page 3, section 5, Rights of Accused, in line 12 after the period add this new sentence:

"The General Assembly may provide for juries of six with a concurrence of five in the District Court."

THE CHAIRMAN: Amendment No. 14 is submitted by Delegate Henderson. Is there a second?

DELEGATE CICONE: Second.

THE CHAIRMAN: Delegate Cicone seconds the Amendment.

The Chair recognizes Delegate Henderson to speak to it.

DELEGATE HENDERSON: In section 7 the Committee recommended that in civil cases the jury might be not less than six as fixed by law. This amendment which I propose, No. 14 is a companion in that the General Assembly may provide for juries of six with the concurrence of five in the District Court.

Now, perhaps I should eliminate "with the concurrence of five," because that was tied in with the previous amendment, if I might have permission to strike that out to make it conform with the other amendment.

This is limited to cases in the new district court. If you are going to have that court trying with a jury of six, the civil cases which are within the court's jurisdiction, then it seems to me as a companion measure, they should have the right to try the criminal cases that are within their limited jurisdiction. Otherwise, a great deal of the benefit of the smaller verdicts at that level would be lost and of course the great advantage of permitting a jury trial at that level is that you avoid the necessity of having the same case either transferred by the election of the jury trial or by a transfer and trial *de novo* in another court which is a waste of time for all persons involved, including the litigants.

The lack of unanimity at the courts of jurisdiction in criminal cases do not apply at this lower level and I would urge consideration of this amendment.

THE CHAIRMAN: Delegate Henderson, does the Chair understand that you desire to modify the amendment by striking out of line 5 the words "with a concurrence of five"?

DELEGATE HENDERSON: I do.

THE CHAIRMAN: Delegate Gleason, do you object?

Is there a concurrence?

DELEGATE GLEASON: I do not object. I want to ask a question.

THE CHAIRMAN: The amendment is modified in the absence of an objection, by striking from line 5 the words "With a concurrence of five", with the comma following that.

DELEGATE GLEASON: I am not sure that your precise language carries out the intent. In civil cases the language is the General Assembly may provide for juries of not less than six.

I thought you were talking about eight. Do you want to equate the two? Do you want to add the language "The General Assembly may provide for a jury of not less than six"?

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: I wanted to combine the two. The other amendment is not confined to the District Court.

THE CHAIRMAN: What words do you desire to add?

DELEGATE HENDERSON: "Not less than" in front of the six.

THE CHAIRMAN: Is there any objection to the modification?

The Chair hears none. In line 5, after the word "of" and before the word "six" insert the words "not less than."

Delegate Bamberger, do you have a question?

DELEGATE BAMBERGER: Yes.

THE CHAIRMAN: State the question.

DELEGATE BAMBERGER: Delegate Henderson, if it is your intention to provide here also that the verdict of the jury of six shall be unanimous, must you not also add language to accomplish that purpose?

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: I should not think so, because of the unanimity