

THE CHAIRMAN: Very well.

The amendment now is strike from line 45 the words "capital or other infamous crime." Is that correct, Delegate Marion?

DELEGATE MARION: Yes, sir.

THE CHAIRMAN: And to insert in lieu thereof the word "felony." Is that correct, Delegate Marion?

DELEGATE MARION: Yes.

THE CHAIRMAN: The effect of Amendment No. 18 as thus modified, there being no objection would be that section 11 would read: "No person shall be held to answer for a felony unless on indictment of a grand jury, except in cases arising in the militia while in actual service."

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 18 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 18. A vote No is a vote against.

Cast your votes.

Has every delegate voted?

Does any delegate desire to change his vote?

*(There was no response.)*

There being 102 votes in the affirmative and 2 in the negative, the motion carries. The amendment is adopted.

Delegate Byrnes, do you still desire to offer your amendment, in light of the action just taken?

DELEGATE BYRNES: No, sir.

THE CHAIRMAN: Thank you.

Are there any further amendments to section 11 as amended?

Delegate Macdonald.

DELEGATE MACDONALD: Mr. Chairman, I have a short amendment to section 7.

You may recall that we held this over.

THE CHAIRMAN: The Chair would prefer to go right through and then come back. There are a number of other sections that we have to pick up.

The next section is section 12. There are a number of amendment to section 12.

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, in an effort to speed this thing up, we have worked out an Amendment AN, which I believe has been submitted to the various authors of the other amendments, and I believe this is acceptable to all people. As far as I know, even Delegate Scanlan is not going to oppose this.

THE CHAIRMAN: Does that mean that Amendment AN is offered and Delegate Macdonald would not offer his Amendment B, that Delegate Child would not offer his Amendment C, and that Delegate Scanlan would not offer his Amendment T?

Is that correct, Delegate Scanlan, Delegate Child, Delegate Macdonald?

DELEGATE CHILD: Yes.

DELEGATE MACDONALD: That is correct.

DELEGATE SCANLAN: Yes.

THE CHAIRMAN: Real progress.

The pages will please distribute Amendment AN. This will be Amendment No. 19.

The Clerk will read the amendment.

READING CLERK: Amendment No. 19 to Committee Recommendation R&P-2, by Delegates Kiefer and Willoner.

On page 4, section 12, Right of Removal of Criminal Cases, strike out all of lines 4 through 8, inclusive, and insert in lieu thereof the following:

In cases punishable by death or life imprisonment after suggestion under oath in writing of either of the parties that such party cannot have a fair and impartial trial in the court where the case may be pending, that court shall order the case removed to another county for trial. All other criminal cases may be removed only as permitted by the Court of Appeals by rule or the General Assembly by law."

THE CHAIRMAN: The amendment has been submitted by Delegate Kiefer. It is seconded by Delegate Willoner.

The Chair recognizes Delegate Kiefer to speak to the amendment.

Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, in an effort to speed things up, I was working on the next one, but this is an amendment which will provide for a right of removal in criminal cases where capital offenses or life imprisonment are involved as a matter of right. It is the practice now.