

1 in the land or naval forces or in the militia when
2 in actual service in time of war, or public danger.

3 DELEGATE HENDERSON: This is limited then to capital
4 cases, is it?

5 DELEGATE WEIDEMEYER: This is capital or otherwise
6 infamous crime. On some of the minor things they come up
7 on presentment.

8 DELEGATE JAMES: A point of inquiry from the
9 Chair.

10 Isn't this interpreted in Federal law as
11 requiring a jury trial in these important cases?

12 DELEGATE WEIDEMEYER: No. This only pertains to
13 grand jury and not to the trial jury.

14 DELEGATE JAMES: I see.

15 DELEGATE WEIDEMEYER: For those of you who
16 might not understand, before a man is brought to trial
17 before what is known as the petty jury, the trial jury
18 on a capital or infamous case, he must be indicted by the
19 grand jury and the grand jury has a chance to go
20 over it and review it with the State's Attorneys, the
21 facts they have at hand to determine whether or not