

1 entitled to the trial by jury according to the course of
2 that law.

3 Now, I will be the first to say that you will
4 not find a reference in our memorandum to Article 5. That
5 was really an oversight; nor will you find a reference to
6 Article 23, which is the due process article in the pre-
7 sent Maryland Declaration of Rights.

8 I believe it was the intent of the committee
9 that when we rewrote the article, or our recommendation,
10 that we were covering these three articles. We did not
11 take into consideration the necessity of the statute nor
12 did we know about these obscure laws.

13 We were restating we thought the constitutional
14 law, and that is on what we stand now.

15 THE CHAIRMAN: Very well, on the basis of that
16 statement the Chair will state that he thinks the intent
17 of the committee, and, therefore, of the Committee of the
18 Whole, is that Section 5(a), in guaranteeing a right of
19 trial by jury, does so with the same meaning and provided
20 in Article 5 of the present Declaration of Rights, so that
21 it would authorize the Legislature to provide for trial