

1 by jury shall not required for petty offenses, as it has
2 not heretofore been required."

3 THE CHAIRMAN: Delegate Case, do you accept
4 the amendment?

5 I might say that the Chair is rather lost as to
6 the meaning. What is meant by the "has not heretofore
7 been required"?

8 DELEGATE BAMBERGER: As I understand it, the
9 sense of this amendment is to say that in the trial of petty
10 offenses, whatever they may be, to the extent that in such
11 offenses there has not been under the common law a require-
12 ment for trial by jury, so in the future there shall not be
13 a requirement for trial by jury.

14 THE CHAIRMAN: The Chair is unclear whether you
15 are limiting it to the offenses for which there was no
16 right to trial by jury, or whether you are saying petty
17 offenses such as there was no right of trial by jury for in
18 common law.

19 Delegate Case earlier indicated he did not want
20 to limit it to common law, and I am not sure whether you do
21 or not, Delegate Bamberger.