

1 recommended in the amendment to the amendment, because if
2 we use the language for which there was no right of
3 trial by jury of common law, we are then going to need
4 further explanatory language to determine whether it is a
5 common law way back or whether it is the common law as
6 developed by our statutes and by our juris prudence in
7 Maryland.

8 I want to point out, Mr. President, that some
9 little confusion has entered into this area by the cita-
10 tion of Federal cases. I find no specific provision in the
11 Federal Constitution comparable to our section 5 of our
12 present Declaration of Rights, and because of that I feel
13 that there may be some little difference in the develop-
14 ment of the common law and the trial by the jury in the
15 Federal system and in the system of Maryland.

16 We meant by this provision to adhere to, not
17 to enlarge or disparage our common law trial by jury as
18 we have always known it.

19 THE CHAIRMAN: Delegate Koger.

20 DELEGATE KOGER: Mr. Chairman and fellow dele-
21 gates: