

1 Scanlan's removal of the provision altogether.

2 It has since 1805 been in the Constitution.

3 The Court of Appeals has said that the State of Maryland
4 has always thought this was such an important matter that
5 in 1805 an amendment was proposed and this amendment has been
6 carried on in various forms since 1805. It is not a
7 minor right and it is a right that we think should be
8 continued.

9 DELEGATE CLARK: Delegate Henderson.

10 DELEGATE HENDERSON: I rise to speak in favor
11 of the Scanlan amendment. As far as the right of removal
12 is concerned, the point can always be raised under the
13 due process clause if there is a likelihood of prejudice
14 growing out of any particular situation in the community.

15 Now, the matter is presently within the power.
16 It is a procedural matter, it within the joint power of
17 the Legislature and the Court of Appeals to implement this
18 right of removal by rule and that rule can be altered if
19 the Legislature disapproved of the rule enacted by the
20 Court of Appeals. It is within that joint operation which
21 we have approved in the Judicial Branch.