

*(The motion was duly seconded.)*

THE PRESIDENT: All in favor, signify by saying Aye; contrary, No. The Ayes have it. It is so ordered.

*(Whereupon at 2:47 P.M., the Convention resolved itself into the Committee of the Whole.)*

*(The mace was removed by the Sergeant-at-Arms.)*

## COMMITTEE OF THE WHOLE

NOVEMBER 22, 1967—2:47 P.M.

PRESIDENT H. VERNON ENEY,  
PRESIDING

THE CHAIRMAN: The Committee of the Whole will please come to order. We are still under Part 3 of the Debate Schedule. Does Delegate Johnson still desire to offer his amendment T?

DELEGATE JOHNSON: Yes, Mr. Chairman.

THE PRESIDENT: The pages will please distribute the amendment T. This will be Amendment No. 57. The clerk will read the amendment.

READING CLERK: Amendment No. 57 to accompany Minority Report JB-1, to Committee Recommendation JB-1, by Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, and Rush: On page 10 after section 5.31 add the following section, section 5 Right of Removal. "There shall be the right of removal in each case before the Superior Court and the District Court in a manner prescribed by rule or by law."

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, fellow delegates, in the opinion of the minority, a section should be added to the judicial article to insure a right of removal. This right of removal is found in article 4 Section 8 of the present Maryland Constitution, and Rule 5.42 of the Maryland Rules of Procedure.

In the opinion of the minority, deleting it may suggest an intention to diminish or downgrade this right. As I have indicated previously, eliminating something previously included in a constitution frequently appears to be a stronger action than failing to include something originally.

The minority regret any action tending to minimize the importance of the right of removal of litigant and persons accused of crime.

Mr. Chairman, we very strongly recommend that the judicial article contain the section as it appears in the amendment.

May I also take this opportunity to add that a right of removal appears in the majority record of the Committee on Personal Rights and the Preamble. Although it is not official, I understand from some members of that Committee that this right of removal would better solve the problems than the right of removal in and under the personal rights and preamble article.

I assure you, fellow delegates, that this is a very important right and I urge you to give it very deep consideration before eliminating it from our Constitution.

*(At this point, Second Vice President William S. James assumed the Chair.)*

DELEGATE JAMES (presiding): Does any member wish to speak against the amendment? Delegate Mudd:

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: Delegate Johnson, the spokesman for the minority, is entirely correct that there is a section in the present Constitution with respect to right of removal. However, I respectfully suggest that the section to be added to our proposed article 5 in the language of this amendment is much broader than the provision in the present Constitution, and would apparently have the right of removal to extend equity cases and all types of cases, which is very much more extensive than under the present system, which in many instances has been found to disrupt docket schedules and work a hardship on litigants and lawyers and the courts as well.

It is further correct that the recommendation which will be shortly considered by this Convention of the Committee on Preamble and Personal Rights does contain a section dealing with this right of removal.

It was the view of the majority of the Committee on the Judicial Branch that this was a matter which might properly and easily be taken care of by statute or rule, of course, and is not of constitutional statute. If we were wrong in that respect, then it has already been provided for, or this Committee will have an opportunity to provide for it in adopting the recom-