

mendations of the Committee on the Preamble and Personal Rights.

Accordingly, we feel that this amendment should be rejected as mandating in the constitution and in article V an unnecessary addition. I therefore urge you to vote against the amendment.

DELEGATE JAMES (presiding): Delegate Johnson, we are under controlled time. You have used 1 minute 47 seconds. Do you wish to allocate the time?

DELEGATE JOHNSON: Yes. I wonder first if Chairman Mudd would yield for a question?

DELEGATE JAMES (presiding): Will Chairman Mudd yield?

DELEGATE MUDD: Gladly.

DELEGATE JOHNSON: If you would insert any amendment—do you have the amendment before you?

DELEGATE MUDD: Yes, sir.

DELEGATE JOHNSON: If we were to insert in the amendment on line 5 that there shall be a right of removal in each "law" case, would you agree that this would be a mandate to the Court of Appeals and to the legislature to provide a similar removal section as is provided under the rule section, so that it would not apply to equity cases?

DELEGATE MUDD: How about criminal cases?

DELEGATE JOHNSON: We could say law and criminal cases.

DELEGATE MUDD: Would it then include condemnation cases or not?

DELEGATE JOHNSON: I do not believe so.

DELEGATE MUDD: Would I concur in the amendment then? No, I would not. I do not think it is necessary to be in article 5 of the Constitution. I think that would be the answer.

DELEGATE JOHNSON: Does the Chairman feel the right of removal should be anywhere in the constitution?

DELEGATE MUDD: No.

DELEGATE JOHNSON: Why?

DELEGATE MUDD: Because I think it is the right that can be provided by statute or by rule.

DELEGATE JOHNSON: Suppose it is not?

DELEGATE MUDD: Then I feel that the voters have been unable to impress their representatives here in Annapolis with the urgency of such a right.

DELEGATE JOHNSON: Mr. Chairman, I yield whatever other time is remaining to Delegate Kiefer.

DELEGATE JAMES (presiding): Delegate Kiefer.

DELEGATE KIEFER: How much time is there, sir?

DELEGATE JAMES (presiding): Two and a half minutes.

DELEGATE KIEFER: Mr. Chairman.

DELEGATE JAMES (presiding): For what purpose does Delegate Sherbow rise?

DELEGATE SHERBOW: I would like to address a question to Chairman Mudd, which may solve some of these problems.

DELEGATE JAMES (presiding): Will Delegate Johnson yield the floor?

DELEGATE JOHNSON: Do I yield the floor, yes, of course.

DELEGATE SHERBOW: Is it not true that it is inherent in our judicial system that if a man cannot receive a fair trial in the jurisdiction where the case is being heard, that the court on proper motion may provide for a change of venue in order to observe the due process requirement, and that this not only can be done by law or by rule but also it is inherent in our law?

DELEGATE MUDD: Absolutely, under circumstances which would appeal to the court as preventing a fair and impartial trial within that jurisdiction.

DELEGATE JAMES (presiding): Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, we are in a rather strange situation here. The present Constitution provides for a removal in not only law cases, but in equity cases. This may sound strange to you, and nobody ever seems to have heard of it having been done, but even Judge Child did not know that. Goodness knows, I did not. We looked it up and this is a fact, that now in the Constitution there is a right of removal in equity cases.

I am constrained to agree with you, Chairman Mudd, in that these are matters