

DELEGATE CHABOT: Will the delegate yield for a further question?

DELEGATE JAMES (presiding): Do you yield?

DELEGATE JOHNSON: Yes.

DELEGATE CHABOT: Would you be agreeable to saying that line 7 would read, in a manner and under the circumstances prescribed by rules or by law?

DELEGATE JOHNSON: Yes.

DELEGATE JAMES (presiding): Do you wish that modification?

DELEGATE JOHNSON: I would be very happy to, if that will clarify the matter.

DELEGATE JAMES (presiding): Is there any objection to the modification? The modification would be, insert after the word "manner," on line 7, and under the circumstances; is that correct? Line 7 would now read, line 6 and 7, "The district court in a manner and under circumstances prescribed by rule or by law."

DELEGATE DORSEY: Mr. President, on line 5 if you struck out the word "each" and added, "s" to case, making it the plural, "cases," would that not take care of the situation, "it shall be the right of removal in cases before the superior court and district court in a manner prescribed by rule or by law."

DELEGATE JAMES (presiding): Does Delegate Johnson wish to make that modification?

DELEGATE JOHNSON: I will be glad to accept it.

DELEGATE JAMES (presiding): If there is no objection, we will strike out the word "case" and make cases plural, so it would read, "removal of cases before the superior and district court in a manner and under the circumstances prescribed by rule and by law."

For what purpose does the delegate rise?

DELEGATE HARDWICKE: Mr. Chairman, I have a question of the proposer of the amendment to the amendment, in order to determine how far he intends the reach of this amendment to go.

DELEGATE JAMES (presiding): Does Delegate Chabot yield?

DELEGATE CHABOT: Certainly.

DELEGATE HARDWICKE: Is it your intention, Delegate Chabot, that by rule or

by law this right would not exist, say, in condemnation cases, or in equity cases? In other words, is it your intention that the rule of the court, or the act of the legislature prohibit the right with regard to certain types or categories of cases?

DELEGATE CHABOT: I think that that could be the consequence. I think that the safeguard in there is that either rule or law can operate to effectuate this right, and since Delegate Kiefer had indicated that the problem with leaving the matter up to the courts alone—that the problem that he envisioned resulted only from leaving the matter up to the courts alone, that this would provide sufficient safeguards.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: Will Delegate Chabot yield for another question?

DELEGATE JAMES (presiding): Does he yield?

DELEGATE CHABOT: Yes.

DELEGATE HARDWICKE: It is your intention the legislature could not only implement the right but also restrict the right?

DELEGATE CHABOT: It could. However, we must not overlook the fact that there is stated the mandatory word, that there shall be the right; that the legislature has to act responsibly, I think, in granting the right, as widely as it would seem there is any appropriateness in the right.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: Then you do not intend by the added phraseology under the circumstances that the right can be restricted, since you say it is an absolute right? You must not intend it could be restricted by the legislature or by the rule.

DELEGATE CHABOT: I did not use the word "absolute." I think that there is just about nothing here as to an absolute right. I indicated that this is a mandatory word, at least as I read it. Obviously I did not prepare the amendment or participate in the preparation. I think that the effect of the amendment, with the changes that have been accepted by Delegate Johnson, both my change and Delegate Della's change, would be to impose an obligation on the General Assembly and the court to implement this right, to the