

because of a personality conflict or because of an arbitrary attitude or because of coming before an arbitrary jury, will be left with no other alternative whatsoever, none, I submit, than to try his case before that judge or jury when he or she knows deep down in their heart that they are not going to get a fair trial, and I say that when a matter is that important to a litigant, that he takes it to court, you had better give him at least one right of removal.

DELEGATE JAMES (presiding): Delegate Dukes.

DELEGATE DUKES: Perhaps I could make my question more direct. Would I be correct in the assumption that a removal filed in Prince Georges County would not necessitate under the concept of the single superior court that the case be removed from Prince Georges County, but that it simply be removed from the judge before whom it was scheduled.

DELEGATE JOHNSON: That is correct, this could be the case under this amendment.

DELEGATE DUKES: Still heard in Prince Georges County however?

DELEGATE JOHNSON: Yes, it could still be heard in the same county.

DELEGATE JAMES (presiding): Does anyone wish to speak in favor of the amendment?

Delegate Chabot.

DELEGATE CHABOT: For just a moment, sir. It seems to me that all of the qualms that have been indicated by the various delegates presume that the Court of Appeals and the General Assembly are going to conspire to create an impossible situation. They are going to conspire either to completely eliminate the right, or to set it up in such a way that abuse is more characteristic of it than use.

We have had a great deal of debate as to whether under some circumstances we can trust the courts, whether under other circumstances we can trust the General Assembly. This is, I believe, the first time in the last few days at least that there has been a serious insistence here that in this particular area above all others we can trust neither the courts nor the General Assembly. I suggest you vote for the amendment.

DELEGATE JAMES (presiding): Does Delegate Willoner wish to speak against the amendment?

*(There was no response.)*

DELEGATE JAMES (presiding): Does anyone wish to speak against the amendment? Delegate Kirkland.

DELEGATE KIRKLAND: Mr. President, may I ask Delegate Mudd a question?

DELEGATE JAMES (presiding): Does Delegate Mudd yield?

DELEGATE MUDD: Yes, Mr. Chairman.

DELEGATE KIRKLAND: Delegate Mudd, would such an amendment as this help the people? Would there be a benefit to them?

DELEGATE MUDD: In some rare instances, I think it would help unprepared attorneys more.

DELEGATE KIRKLAND: But it would help the people, is this correct?

DELEGATE MUDD: In a rare instance it might.

DELEGATE KIRKLAND: Thank you, sir.

DELEGATE JAMES (presiding). Anyone wish to speak against the amendment? The Chair recognizes Delegate Child.

DELEGATE CHILD: Mr. Chairman, I am in favor of a removal, and I think that such provision should be in the Constitution.

I am against this amendment because of its language. As I see the amendment, it applies to every case. It says, in cases.

Now, that language to me means in every case. If so, it applies to every traffic case, every assault and battery case, every possible minor criminal case, every civil case, every equity case, and when you get on the superior court level, every criminal case up there.

We have in the constitution now what I consider is the proper matter of removal. It applies in all civil cases where a proper affidavit is made; that you cannot get a fair and impartial trial. It applies to capital cases and criminal cases as an absolute right; in other criminal cases where you can show the court that there is prejudice in the neighborhood, the court will remove.

It does not apply in condemnation cases. I think I am correct when I say that it does not apply in mandamus cases.

I am for the law as it now is. I am afraid of this amendment because it applies