

equivocally states this, and if there needs to be any implementation of it by the legislature, as apparently has been done in the present case, it will be done. I think, if it makes everybody happier, I will firmly state it was the intent of the Committee not to change the present concept of criminal law and the right to trial by jury. Perhaps I was erroneous in stating that this gives an unequivocal right to trial by jury. I thought it did but it does not change whatever is now the existing law. I hope you withdraw the amendment.

THE CHAIRMAN: Delegate Kiefer, your last statement, taken in connection with the statement that I thought you made with reference to the statute, leaves the Chair confused about what you mean when you say right of trial by jury under present law. I am not sure whether you are referring to under present provisions of the Constitution or under present statute law.

DELEGATE KIEFER: Under the present conditions of both the constitutional and statutory law.

THE CHAIRMAN: I think that confuses rather than clarifies the issue.

DELEGATE KIEFER: Under the status of the constitutional provisions as interpreted by courts. I am not trying to change that. The constitutional provision has been implemented and clarified by statute. I assume this will continue to be the case.

THE CHAIRMAN: Delegate Kiefer, one other question, just to clarify the record. Do I understand you to be saying that notwithstanding the fact that section 5(a) does not have the limiting language to which Delegate Case called attention, that is, in Article 5 of the present Declaration of Rights, that you are saying that section 5(a) is, nevertheless, subject to that same limitation?

DELEGATE KIEFER: I am saying, sir, that it is the same language that is in our present Constitution, and if our Court of Appeals—and incidentally these are cases back in the nineteenth century, 70 years ago or more—has made that interpretation of them, it has made that interpretation of them. We are not doing anything but restating what our present Constitution states.

THE CHAIRMAN: You are not using the words of the present Constitution. That is why I want the record clear. Are you saying that it is the intention of section 5(a) that it is the same as if it contained limiting words, according to the course of that law, found in Article 5 of the present Declaration of Rights?

DELEGATE KIEFER: Article 5 of the present Declaration of Rights, Article 21 and Article 23. Yes, sir, because they are all considered, they all have been considered together by the court in the cases cited by Delegate Case.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: Mr. Chairman, if I may, I understand it then, Chairman Kiefer, that there is no intention to overrule the cases of *Donner v. The State of Maryland*, 89 Md., 220 or *The State of Maryland v. Glenn*, 54 Md., 601?

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: I have no intention to overrule anything the Court of Appeals has done.

THE CHAIRMAN: Any other delegate?

Delegate Carson.

DELEGATE CARSON: If I may just a moment.

THE CHAIRMAN: Delegate Kiefer.

DELEGATE KIEFER: Mr. Chairman, when I said I had no intention, I did not mean it quite so facetiously. I do not think the Committee had any intention of overruling any case decided by the Court of Appeals.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Koger.

DELEGATE KOGER: I would like to speak in opposition to the amendment.

THE CHAIRMAN: Does any delegate desire to speak in favor?

Delegate Carson.

DELEGATE CARSON: Mr. Chairman, upon the colloquy with Chairman Kiefer it is clear upon the record that the intent is not to change the law, and the sponsors, therefore, withdraw the amendment.

THE CHAIRMAN: The amendment is withdrawn.

Delegate Grant, do you desire to offer your amendment AK?

DELEGATE GRANT: Yes, I would, Mr. Chairman. I would like to make one change in it. I would like to substitute the word "peace" for "safety".

THE CHAIRMAN: This will be Amendment No. 16. What is the modification, Delegate Grant?