

terpretation of "type." It would open the door to a great many things.

DELEGATE CASE: I do not think that is true, because you have overlooked the words "as limited by common law."

In other words, you have the overriding restraint on the General Assembly—who would be the only party that could define it—that they would have to be of the type known in common law. These were very minor offenses. For example, here is what I think you may be worried about: If the General Assembly should say that larceny would be a petty offense, this would undoubtedly be unconstitutional, because larceny, even petty larceny, was defined as not being a petty offense under the present Constitution. So the type or genre of these cases is set now by the common law and by the use of those words. It confines it to the very remote, incidental, trifling little matters that either now exist or might sometime in the future exist; but in no event would the door be open to the thing that I think is troubling you because of the use of the words "common law."

THE CHAIRMAN: Delegate Vecera.

DELEGATE VECERA: I still think the words "of the type" could be defined in a number of various ways. I do not think he has closed the door to any specific petty offense as such, and has therefore left the door quite wide open.

THE CHAIRMAN: I think we will make better time if we stick to the rules of debate.

The Chair has allowed considerable departure.

Is there any delegate who desires to speak in favor?

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

Delegate Carson.

DELEGATE CARSON: It was not the intention of the movers of this amendment to fog up the constitution. We were perfectly happy with the statement made by the Chairman, but that statement, in turn, was fogged up by others; and therefore we had to re-introduce it. I am certainly agreeable to allowing the Committee on Style in any way to change the words that we have used, as long as they do not change the substance.

It is our intent—and I want to make this clear—that this area shall include only the area of petty offenses as defined in the

cases decided by the Maryland Court of Appeals, and defined by the Supreme Court. It is a most limited area. It is the area in which the General Assembly may grant the right of jury trial.

We are not taking away that right from the General Assembly. It is only in the minor situation that we say that the Court may not have a jury trial. There were a number of parking cases that arose in Woodlawn. A number of protestants came up to the United States District Court, and they wanted, on minor petty parking cases, jury trials, but fortunately they withdrew it. Two weeks of the United States District Court was involved in traffic cases, and it all went to the Fourth District. It is a very limited area. It is a very desirable amendment, and I urge your support of it for those reasons.

THE CHAIRMAN: Delegate Macdonald.

DELEGATE MACDONALD: Mr. Chairman and fellow delegates, I do not practice criminal law, and I do not pretend to be an expert in this field.

I took the liberty of calling a practitioner in Montgomery County who is one of the leading practitioners in the field of criminal law, if not the best practitioner in this county. He has tried literally hundreds of criminal cases, and I quoted this language to him. He said all that it would do would be to confuse the lawyers and the judges.

In think we are making a mistake in trying to write a provision for the constitution on the floor. I think it should be withdrawn, and if it is not withdrawn, then I think it should be defeated.

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

Delegate Weidemeyer is recognized to speak in opposition.

DELEGATE WEIDEMEYER: Mr. President and members of the Committee, I rise in opposition to this amendment because, as I have mentioned previously, if we follow the Recommendation R&P-2 and we also follow the recommendation of the General Provisions Committee, two Committees which have recommended that Article 5 of the present Declaration of Rights be incorporated somewhere in the constitution, we do not put it in the Declaration of Rights. Most of our Committee on Personal Rights felt that it was very vital and probably because it carried over transitory provisions it should come under general provi-