

DELEGATE J. CLARK (presiding): All right. You have had a chance to speak on it.

Delegate Marvin Smith.

DELEGATE M. SMITH: I do not think the impassioned plea of Delegate Mitchell can go unanswered. The abuses which Delegate Bamberger alluded to occur not because of failure on the part of judiciary, but the provision in the Constitution which grants the absolute right of removal.

DELEGATE J. CLARK (presiding): Are you ready for the question? The question arises on the adoption of the Scanlan amendment.

Delegate Mitchell.

DELEGATE MITCHELL: Mr. President, I must answer Delegate Smith.

DELEGATE J. CLARK (presiding): Yes?

DELEGATE MITCHELL: We have an absolute right to freedom of speech, but it is subject to regulation. You can get out in the picket line, but you cannot exercise it so that people cannot pass on the streets. All these other rights are subject to regulation. The same thing is true and that is not true and I think it is an insult to the intelligence of this body.

DELEGATE J. CLARK (presiding): The question arises on the adoption of Amendment No. 12 to Committee Recommendation R&P-2.

A vote Aye is a vote in favor of Amendment No. 12. A vote No is a vote against.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

Delegate James, would you please vote Aye for me, please?

DELEGATE JAMES: Yes.

DELEGATE J. CLARK (presiding): The Clerk will record the roll.

There being 63 votes in the affirmative and 54 in the negative, the motion carries. Amendment No. 12 is adopted.

The Chair recognizes Delegate Willoner.

DELEGATE WILLONER: I understand under your ruling at this point I can offer Amendment H.

DELEGATE J. CLARK (presiding): Would you agree to take up Delegate Moser's amendment first, Amendment X?

Delegate Moser.

DELEGATE MOSER: Under the circumstances, I do not care to offer that amendment.

DELEGATE J. CLARK (presiding): Very well.

Delegate Willoner.

DELEGATE WILLONER: I would offer Amendment H.

DELEGATE J. CLARK (presiding): Do you have Amendment H which would be Amendment No. 13?

The Clerk will read the amendment.

READING CLERK: Amendment No. 13 to Committee Recommendation R&P-2 by Delegate Kiefer:

On page 3, section 8, Right of Removal of Civil Cases, strike out all of lines 14 through 20, inclusive, and insert in lieu thereof the following:

"In all actions at law, a party after suggestion under oath in writing that he cannot have a fair and impartial trial in the court in which the action is pending, the court shall order the action removed to another district or county for trial. The Court of Appeals by rule shall provide for reasonable regulation of this provision."

DELEGATE J. CLARK (presiding): Delegate Macdonald, for what reason do you rise?

DELEGATE MACDONALD: Parliamentary inquiry, Mr. Chairman.

I have an Amendment W and I would like to inquire at what appropriate moment I may offer that. I do not know if it has been called to the Chairman's attention.

DELEGATE J. CLARK (presiding): Delegate Macdonald, you can offer this at any time that Amendment No. 13 is on the floor as a substitute.

DELEGATE MACDONALD: May I offer this after 13 has been introduced? May I offer this as an amendment in the nature of a substitute to 13?

DELEGATE J. CLARK (presiding): Yes, that is correct.

DELEGATE MACDONALD: I would like to do that at the appropriate time.

DELEGATE J. CLARK (presiding): Delegate Adkins.

DELEGATE ADKINS: Parliamentary inquiry. I have understood the ruling of the