

THE CHAIRMAN: State your inquiry.

DELEGATE BOILEAU: By keeping open three sections in R&P-2, does this allow additional sections, such as you noted in the case of Delegate Hardwicke, to be added?

THE CHAIRMAN: Only if they are germane to the portions that are still under consideration, in the same way that any new section to be added to Recommendation R&P-2 would have to be germane to that recommendation. In other words, if they were germane to the subject matter of sections 10, 11 and 13, they could be offered.

DELEGATE BOILEAU: But if they are not germane, they cannot?

THE CHAIRMAN: No.

DELEGATE BOILEAU: Even if they are completely new?

THE CHAIRMAN: But if they are completely new and not germane to the balance of Committee Recommendation R&P-2, they would not be permissible anyhow.

This being the situation, there is for consideration on R&P-2 only the one amendment, and pages will please distribute amendment AU.

THE CHAIRMAN: This will be Amendment No. 25.

The Clerk will read the Amendment.

READING CLERK: Amendment No. 25 to Committee Recommendation R&P-2, by Delegates Weidemeyer, Blair, Boyer, Chabot, Dabrowski, Darby, Dorsey, Caldwell, Gleason, Grant, Groh, Hickman, Hostetter, Hutchinson, Johnson, Kiefer, Kirkland, Kosakowski, Macdonald, Neilson, Pascal, Ritter, Rush, Rybczynski, Sosnowski, Saul, Stern, Storm, H. Taylor, L. Taylor, Vecera, and Willoner:

On page 4 immediately preceding line 1 of section 12, Right of Removal of Criminal Cases, add this new section:

“Section           Right of Removal of Civil Cases.

All cases at law exceeding the jurisdictional amount prescribed by law and all cases in equity shall be removed upon the filing within a reasonable time prior to trial as provided by law or by the Court of Appeals by rule of a suggestion, under oath, by a party to the case stating that he cannot have a fair and impartial trial where the case pending. This right shall not apply to condemnation cases.”

THE CHAIRMAN: The amendment having been submitted by Delegate Weide-

meyer and seconded by the numerous sponsors, the Chair recognizes Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President —

THE CHAIRMAN: Delegate Weidemeyer, may I interrupt for a moment? This is, of course, the same subject matter debated at length yesterday. The Chair would sincerely hope that debate is held to a minimum. Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President, I will try to make it very brief and I do hope that debate will not be extended because I think I can make clear in just a few moments the purpose of this amendment.

We had considerable objection from certain areas, and after a lot of work on it yesterday, and Delegate Johnson spent valuable time in talking to various people, there seemed to be a lot of objection because they thought it would include land condemnation cases.

Now we have, on the last line, specifically exempted land condemnation cases, and there is reason for that. It should be so, because juries that have to place land value on land being condemned ought to be able to view the land. It would be difficult. We agree with you; we specifically exempted those cases. Another thing some of them objected to was the fact that removals were made at the last minute. In that amendment we have provided that they shall be removed upon the filing, within a reasonable time prior to trial, as provided by law or by the Court of Appeals by rule. We think that that overcomes the objection. In fact, some of them who were violently opposed to the Committee's original amendment are co-sponsors on this. You will notice we have thirty-two people on this. We have tried to reach a lot of the people who had objections to the original draft of section 8. I do hope that you adopt this amendment because I think it meets all the objections and serves a very good purpose. It is something that has been part of our law and procedure for a good many years.

I know that some of you will object to it because we are not letting the Court of Appeals legislate on everything. Some of us think the Court of Appeals ought to be legislating and doing all these things; because we have not given them full sway, they object to it. This does leave it in the hands of the legislature, the elected people, and up for approval or rejection.

THE CHAIRMAN: Delegate Henderson.