

eral Constitution there is a jury trial, I think, in cases with amounts of more than \$20 or \$5? That is the common law. The government did establish a tort claims act. It not only placed limitations on the type of suits but also on the juries and what have you, so I do believe he did answer my question, that the General Assembly can set up an act and place whatever limitations they want. It is a new cause of action. I think they can limit it.

THE CHAIRMAN: Very well.

Delegate Henderson.

DELEGATE HENDERSON: I would just like to say, in connection with the suggestion the Chair made, that they might set this up at the administrative level, but I suggest it is certainly within the realm of probability that this provision which we are now adopting, subject to such limitations as the legislature may impose, is a new cause of action which did not exist in common law. It is more than the way that it creates an action which did not exist and for that reason it seems to me it is quite likely that even in a regular tort proceeding a jury trial would not be required. For example, under the Workmen's Compensation Act, although the Maryland statute gives the right to a jury trial on issues from the Orphans' Court, it has never been my understanding that that was required by anything in the Constitution.

THE CHAIRMAN: Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President, in the Committee on Personal Rights, in our discussions, and from my consideration of this matter, I view it more closely in line with the interpretation of the Chair.

We know this, that we have the right of jury trial generally and we also have in our new constitution the privileges and immunities clause. If the legislature decided to be sued in the superior courts of this State, naturally I think that to give them a different procedure and deny them a jury trial in the superior court might abridge the due process clause or the equal protection clause. I would think that the legislature under this provision, if they decided to have a claims commission, or a court of claims, then they might well provide that since this is a newly created right, they could provide a hearing before a court of claims, without a jury trial. I do think that if they provided for the trials and suits to be brought in the superior court, where

everyone else had the right to jury trial, then we might be running afoul of the equal protection or the due process clause.

THE CHAIRMAN: Amendment K, LB-4.

The Clerk will read the amendment.

Delegate Sherbow.

DELEGATE SHERBOW: A matter of personal privilege, Mr. Chairman.

THE CHAIRMAN: State the privilege.

DELEGATE SHERBOW: Mr. Chairman, ladies and gentlemen, I hope you will give a warm welcome to three young gentlemen who have just come into the gallery behind the podium, Judge Ed Northrop of the U. S. District Court for the District of Maryland, Judge Jerome Robinson of the Municipal Court of Baltimore City, and Mr. Sam Hopkins, who I think presides over his own establishment, and is the husband of the delegate from the Third District. May we also welcome Mrs. Northrop. Will you all give them a warm welcome.

(Applause.)

THE CHAIRMAN: Delegate Barrick.

DELEGATE BARRICK: Mr. Chairman, also in the gallery is Miss Mary Storm, the daughter of Delegate Storm and a partner in Storm and Storm. I wish you would welcome her too, please.

(Applause.)

THE CHAIRMAN: The Clerk will read the amendment.

READING CLERK: Amendment No. 4 to Committee Recommendation No. GP-13 by Delegates Marion and Hardwicke: On page 3, section 5, Delayed Effect of Section 2.06, strike out all of lines 11 through 14, inclusive.

THE CHAIRMAN: The amendment submitted by Delegate Marion is seconded by Delegate Hardwicke.

The Chair recognizes Delegate Marion.

DELEGATE MARION: Mr. Chairman, I offer this amendment because I believe that it is time now for the pendulum to swing back to green.

The effect of the amendment would delete section 5 on page 3 of the schedule of transitional provisions. To understand the need for the amendment and for the deletion of this section, it is necessary to keep in mind three other provisions: first, section 2.01 of the suffrage and elections ar-