

1 am nevertheless giving it up in the best interests of
2 good government.

3 MR. SCANLAN: Has the Committee checked all
4 those citations?

5 MRS. BOTHE: I move that the Third Report of
6 the Committee on Miscellaneous Provisions, recommending
7 that Article 15, Section 5 of the Maryland Constitution,
8 providing that in the trial of all criminal cases the
9 jury shall be the judges of the law, as well as of fact,
10 except that the court may pass upon the sufficiency of the
11 evidence to sustain a conviction, that no such provision
12 be included in the proposed Constitution.

13 MRS. FREEDLANDER: Second.

14 THE CHAIRMAN: And the effect of that would be
15 to have the court as the judge of the law and the jury
16 as the judge of fact as in civil cases.

17 MRS. BOTHE: I might add that the motion does
18 not include that the second half of the present position
19 would not remain in the law. The reason that the words,
20 except that the court may pass upon the sufficiency, et
21 cetera, were a later amendment to modify the effects of the