

CONSTITUTIONAL CONVENTION OF MARYLAND

PROPOSED CONSTITUTION OF 1968

speedy and public trial by an impartial jury of twelve without whose unanimous consent he shall not be adjudged guilty.

Section 1.08. Removal of Criminal Cases.

In a case involving a crime punishable by death or life imprisonment, after suggestion in writing under oath by either party that the party cannot have a fair and impartial trial in the county where the case is pending, the court shall order the case removed to another county for trial. Other criminal cases may be removed only as permitted by the Court of Appeals by rule or by the General Assembly by law.

CONSTITUTION OF 1867

and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

Art. 23. That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the Land.

Art. XV, sec. 5. In the trial of all criminal cases, the Jury shall be the Judges of the Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction.

Art. IV, sec. 8. The parties to any cause may submit the same to the Court for determination without the aid of a jury, and in all suits or actions, at law issues from the Orphans' Court, or from any court sitting in equity and in all cases of Presentments or indictments for offences, which are or may be punishable by death, pending in any of the courts of law in this State having jurisdiction thereof upon suggestion in writing under oath of either of the parties to said proceedings that such party cannot have a fair and impartial trial in the court in which the same may be pending, the said court shall order and direct the record of proceedings in such suit or action, issue presentment, or indictment, to be transmitted to some other court having jurisdiction in such case for trial, but in all other cases of presentment or indictment, pending in any of the Courts of law in this State having jurisdiction thereof, in addition to the suggestion in writing of either of the parties to such presentment or indictment that such party cannot have a fair and impartial trial in the court in which the same may be pending, it shall be necessary for the party making such suggestion to make it satisfactorily appear to the Court that such suggestion is true, or that there is reasonable ground for the same, and thereupon the said court shall order and direct the record of proceedings in such presentment or indictment to be transmitted to some other Court having jurisdiction in such cases for trial and such right of removal shall exist upon suggestion in cases where all the Judges of said Court may be disqualified under the provisions of this Constitution to sit in any such case and said Court to which the record of pro-