

DELEGATE DUKES: There is at least one meeting other than this meeting in which several delegates are involved which is going on at this time. Is there some way we can bring them in?

THE PRESIDENT: Tell me where they are, and I will send the Sergeant-at-Arms for them.

DELEGATE DUKES: I do not know, but I know Delegate Kirkland is gone.

*(Laughter.)*

THE PRESIDENT: The Sergeant-at-Arms will proceed to the lounge and any delegates there will proceed forthwith to the chamber.

DELEGATE ROBIE: The Committee on Transitory Provisions is meeting in the Senate Chambers.

THE PRESIDENT: The Sergeant-at-Arms will proceed to the Senate Chamber and bring any delegates back, any delegates who are there.

For what purpose does Delegate Mentzer rise?

DELEGATE MENTZER: Point of information.

THE PRESIDENT: State the point.

DELEGATE MENTZER: I wonder if the President can tell me whether this will be the third or fourth time that we have voted on this particular substance.

THE PRESIDENT: It will be at least the third. It may be the fourth. I am not sure.

The Clerk will please ring the quorum bell again.

Delegate Adkins.

DELEGATE ADKINS: Mr. President, a parliamentary question. Is it too early to move the previous question?

THE PRESIDENT: Yes, I think it is. I think the sponsor of the motion has the floor and until he yields the floor, I cannot recognize anyone else.

Is the Sergeant-at-Arms here? Will you please report? Are all delegates present?

SERGEANT-AT-ARMS: Yes, sir.

THE PRESIDENT: The reconsideration of the vote by which Amendment No. 2 was rejected has been moved and seconded. The Chair recognizes Delegate Stern.

DELEGATE STERN: I yield to Delegate Adkins.

THE PRESIDENT: Delegate Stern, the Chair cannot recognize you for that purpose. The Chair recognizes you to speak to the motion.

DELEGATE STERN: I am ready to vote. I have nothing to say.

THE PRESIDENT: You do not have to speak.

Delegate Churchill Murray.

DELEGATE E. C. MURRAY: Mr. President and ladies and gentlemen, I will make this as brief as I can in deference to those who are tired of hearing.

THE PRESIDENT: I shall remind you that, in any event, it shall not exceed three minutes.

DELEGATE E. C. MURRAY: It shall not.

In any event, I was about to make very brief remarks about it when someone moved the previous motion this morning.

If I may, I will say this which I hope you will take into consideration in your vote. Do the people, and this concerns the people, not have the right to reserve unto themselves the unique Maryland custom of being truly judged by their peers, both as to the facts and the application of the law? Antiquity alone is no good reason to retain a custom, but custom which has been retained for nearly four hundred years, and this means for twelve generations, is not to be lightly cast aside.

Whence comes the power of the judges? Is it not given to them by the people? This, I think, is something that you should think about. Is it not given to them by the people and do we, the people, not have the right to reserve unto ourselves the right to be truly judged by our peers? The meaning of the word "peers" is simply one's equal.

This right of the people has seldom been abused in the past in Maryland although Marylanders are tolerant people when faced with the solemnity of the court and their sworn duty as jurors. You may trust them to do justice as they see it. Even in 1598 and that is the furthest back anyone has traced this, certain offenses were —

THE PRESIDENT: You have one-half minute.

DELEGATE E. C. MURRAY: — were reserved very differently from the time of the Magna Carta. No need that we go that far back. This is the point I wanted to make and ask you to consider: laws adopted