

DELEGATE MALKUS: I wanted to ask a question.

THE CHAIRMAN: I will give you an opportunity in a few minutes.

Delegate Gilchrist, do you desire to speak in opposition?

DELEGATE GILCHRIST: Would Delegate Bamberger yield for a question?

DELEGATE BAMBERGER: Yes.

DELEGATE GILCHRIST: I would simply like to clear up one slight misapprehension which may have been left with the body.

As you opened, you said that this 36-108 figure was the recommendation of the Committee on the Legislative Branch. I believe the Legislative Branch Committee has never discussed this, nor has the Legislative Committee met with respect to Judge Sherbow's amendment. I think the statement that this is the recommendation of the Committee may have led to misapprehension in the mind of the Convention.

DELEGATE BAMBERGER: If I may answer your question in the reverse order in which it was asked, we did meet to discuss the composition of a legislature of 40-120. That was, as you know, a considerable part of our deliberations.

We have not met on it since the amendment, of course, was made by Delegate Sherbow, but we certainly did discuss 40-120 as long and as well as we discussed every other alternative that has been put before the Committee of the Whole.

My statement that the Committee had recommended 36-108 was based on equating 35 and 105. The Committee's recommendation is 35-105.

By the rules which govern the Committee of the Whole, we may not offer 35-105, and we would not vote on 35-105, until we had finished our consideration of the entire proposal, so what I am saying is that the 36-108 is as close as we can get to 35-105, and I suggested it be considered as identical.

THE CHAIRMAN: Delegate Gilchrist, do you desire to speak against the amendment?

DELEGATE GILCHRIST: No, Mr. President. I would like to ask another question, if I may.

THE CHAIRMAN: Proceed.

DELEGATE GILCHRIST: Delegate

Bamberger, in Delegate Gallagher's argument, he just said that there would only be two counties in senatorial districts. Would that be correct, or did he intend to say in the house districts?

DELEGATE BAMBERGER: I will yield to the Chairman, who has the map.

Before I respond, to your question, may I say, the Committee voted on a 40-120 ratio on October 26, and then immediately after that considered the 35-105 ratio. The vote was 10 to 10, on the 40-120 ratio and 15 to 5 in favor of 35-105.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: You are correct, Mr. Gilchrist, if I said the word "Senate," it should have been "House."

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment?

Delegate Malkus?

DELEGATE MALKUS: Mr. Chairman, I am not going to play around the mulberry bush now. I want to ask the Chairman a question. I just found out from my friend Gilchrist over here how to do it.

DELEGATE BAMBERGER: I yield.

THE CHAIRMAN: Delegate Malkus, I think —

DELEGATE MALKUS: I am going —

THE CHAIRMAN: Delegate Malkus, I think the person entitled to the floor at the moment is someone who can speak in opposition to the amendment. Will you permit me to find out if someone does, then I will permit you to ask a question.

DELEGATE MALKUS: I do not want to forget what my question is.

THE CHAIRMAN: You can make a note of it.

DELEGATE MALKUS: Thank you.

THE CHAIRMAN: Delegate Clarke.

DELEGATE E. CLARKE: Thank you, Mr. President.

Ladies and Gentlemen of the Committee of the Whole:

I appreciate the feelings of members of the committees when they have anyone's strong opposition on the floor after they have worked hour upon hour, night and day, and burned the midnight oil; but I