

in every county, when I will say eighty or ninety per cent of the people that ever see the enforcement of law go before the lower court?

DELEGATE MUDD: We do not say it is. We leave it to the legislature to prescribe the districts and the number of district court judges.

THE CHAIRMAN: Any further questions, Delegate Malkus?

DELEGATE MALKUS: Yes, sir. Why do you discriminate then in favor of the superior court against the district court when in my opinion both are equal?

DELEGATE MUDD: We did not discriminate. We are providing for a new court when we provided the district court, and in our wisdom we are leaving it to the wisdom of the legislature to say how many district courts and how many district court judges there should be. We are mandating in this constitution what the legislature in its wisdom has heretofore provided, namely for a superior court judge in every county.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Yes, sir.

My next question is this: Is it not true that we are not creating a new court; we are just reorganizing a court that is already in existence?

DELEGATE MUDD: You mean by that the district court?

DELEGATE MALKUS: Yes, sir.

DELEGATE MUDD: Substantially, yes.

DELEGATE MALKUS: My question again to you is this: Why are you saying each county shall have a circuit court or a superior court, which very few people see, and a resident judge, and not have a people's court judge as we know it, or magistrate as we know it, or we will know it under the district court?

DELEGATE MUDD: Because the present Constitution and present law requires a superior court judge in each county and we are leaving to the wisdom of the legislature to determine whether there should be a district court judge in every county.

THE CHAIRMAN: Any further questions?

Delegate Mason.

DELEGATE MASON: Mr. Chairman, did you in answer to Delegate Chabot's

question state that under section 5.01 the legislature could not create a tribunal to hear automobile injury cases.

DELEGATE MUDD: If you define tribunal as a court, I would say yes.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Are you suggesting that if we call it something other than a court they could create such an agency?

DELEGATE MUDD: There are existing facilities called courts that are not exercising a judicial power.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Would a court or tribunal that would hear personal injury cases, automobile injury cases, come under section 5.01, judicial power?

DELEGATE MUDD: Offhand, I would say yes.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: How would that differ from a court or tribunal created by the legislature to hear personal injuries connected with employment?

DELEGATE MUDD: If I understand your question, it would be identical; the legislature would then be attempting to set up a separate court to try the same type of case within the same jurisdiction that it had previously prescribed to the superior court.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Would this article preclude the Workmen's Compensation Commission from functioning?

DELEGATE MUDD: No.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Don't they hear personal injury cases that are work-related and work-connected?

DELEGATE MUDD: Yes, but not automobile cases. You spoke of automobile cases a while ago, I thought.

DELEGATE MASON: I was trying to throw an analogy between automobile injury cases and work-connected cases.

DELEGATE MUDD: The answer is that this article would not prevent the Workmen's Compensation Commission from continuing to function.

THE CHAIRMAN: Delegate Mason.