

*(There was no response.)*

THE CHAIRMAN: Delegate Gilchrist?

DELEGATE GILCHRIST: Mr. Chairman, I should simply like to point out to the Convention what the Convention has done so far with respect to this. Delegate Case made a comment that you were bringing justice to the people. What we have actually done so far is arrange to bring the people to justice.

The transportation problem, which has been created by this, is a little bit difficult for some people. I would like to point out that the Convention has very carefully made arrangements to have a man tried for murder in his own county, but they have not given him the opportunity to be tried on a speeding charge or on violations of minor ordinances in his own county. It seems to me that an approach such as this is not entirely rational.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: I rise to correct a statement Delegate Gilchrist has just made. I believe it was envisaged by our Committee and certainly by this Report that the district judge would be a travelling judge. He would travel to each county, and if a traffic violation took place in Garrett County, the trial would be held in Garrett County. That is the whole idea of the district, so I think the comment that Delegate Gilchrist just made is not completely accurate.

THE CHAIRMAN: Delegate Gilchrist, it is the sentence in lines 36 to 39 of section 5.10.

Delegate Grant.

DELEGATE GRANT: I would like to speak in favor of this, although I have to do it reluctantly because I am a member of a very small bar and this is going to create more problems. First of all, the Committee of the Whole has decided that it is going to be very strict about what it allows the commissioners to do, so this means essentially if you get a trial you are going to have to have the district court do it. Now, what concerns me, and I think concerns possibly Delegate Malkus, too, is what Delegate Case said about caseloads. In other words, they immediately decided how many district judges would be had on the basis of caseloads. It does not take very long to work out the fact that there will be a sufficient supply of district judges in the

urban areas where there are large caseloads. However, it means that there will be an insufficiency of judges in the rural areas where there are small caseloads.

The district courts are simply the courts of immediate impression, the courts where most people come in. I really ask each delegate to put himself in a very typical situation of a man who is stopped for a traffic violation in an urban county, and it could be Garrett County, and has to travel seventy miles to the nearest district judge to have the case decided, and then seventy miles back to resume his journey. That is exactly the distance from a town called Redhouse in Garrett County where route 50 crosses into West Virginia to Cumberland where it is normal to presume that by caseload the district court would reasonably be required to spend all of its time.

I would like to point out the old adage that justice delayed is justice betrayed.

THE CHAIRMAN: Is there any further discussion? Delegate Stern.

DELEGATE STERN: Would Delegate Mudd yield for a question?

THE CHAIRMAN: Delegate Mudd, do you yield to a question?

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Stern.

DELEGATE STERN: Taking what Delegate Case has just said, it bothers me and I would like the record explicitly cleared because nothing is mentioned in the constitution as to venue, is it the intention of the Committee Report that the judges shall be the ones that move where the heavy caseload is and that the cases should not be brought down from one district court to another one because the judge does not want to move?

THE CHAIRMAN: Delegate Mudd?

DELEGATE MUDD: Definitely that the intention of the majority report.

DELEGATE STERN: Thank you.

THE CHAIRMAN: Delegate Gallagher?

DELEGATE GALLAGHER: Will Delegate Grant yield to a question?

THE CHAIRMAN: Delegate Grant, do you yield to a question?

DELEGATE GRANT: Yes, sir.

THE CHAIRMAN: Delegate Gallagher?