

court judge would necessarily receive \$30,000, or that a superior court judge would receive that much. All that we sought to accomplish, Delegate Byrnes, was full-time judges at all four levels, but probably anticipating some adjustment of the salary scale within the distinction between the judges in the different tiers, and \$30,000 as a salary for a district judge was never mentioned.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Would you say that if this amendment were adopted that your intent to establish full time judges at all four levels would be defeated?

DELEGATE MUDD: We left it to the expression of the legislature, because we thought that the need might change from time to time, especially in view of the rather surprising population projection, that in western Maryland and on the Eastern Shore some of the projections show a continuing reduction of population, rather than an increase in population.

To mandate in the constitution the requirement that there be a resident district judge in every county could really create over the long run less efficient use of manpower than the legislature might in its wisdom provide for by changing district lines from time to time.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: May I speak in favor of the motion at this point?

THE CHAIRMAN: You may.

DELEGATE BYRNES: I would just like to point out to the body if I could that I think we are potentially talking about many hundreds of thousands of dollars. It was pointed out earlier that there are some thirteen counties which do not have sufficient business to warrant full time judicial activity.

I think that this Convention was not called to make judgments of this kind. If we are going to spend this sum of money I think we are in the wrong business and we should call ourselves the General Assembly.

Delegate Malkus has made the point on many occasions that we are talking about expense, and Delegate Marion has made the point that the language as it now reads in 5.10 makes it clear that the General Assembly can make the judgment whether there should be a resident district judge in each county. But I think if we make the

judgment here, we are not only making that judgment, but we are also making the judgment that the taxpayers are going to be paying additional hundreds of thousands of dollars, and I do not think it is our prerogative to do so.

THE CHAIRMAN: For what purpose does Delegate Malkus rise?

DELEGATE MALKUS: The gentleman has some time left. Does he yield?

DELEGATE BYRNES: Certainly.

DELEGATE MALKUS: Did I understand you to say there were thirteen counties here that would probably not be entitled to have a resident district court judge?

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I was recalling, perhaps erroneously, the comments made by the Committee Chairman to the effect that there was not sufficient business in so many counties to justify full time judicial activity. Maybe thirteen is an erroneous figure.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: Will you then give me the names of those counties that you are talking about?

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I could imagine what they were, but I would like to defer to the Chairman of our Committee.

THE CHAIRMAN: Delegate Mudd, can you furnish the information requested by Delegate Malkus?

DELEGATE MUDD: Mr. Chairman, I do not recall using the figure thirteen. My information was obtained from the Case Report, and I do not know whether that chart is immediately available; but it was our conclusion from the facts and figures therein contained as to caseload, on page 15, that there were many counties, particularly on the Shore, and Garrett County, where the annual caseload would not appear to justify the time of a full time judge.

THE CHAIRMAN: Delegate Clagett, will you yield to a question from Delegate Frederick?

DELEGATE CLAGETT: Yes, sir.

THE CHAIRMAN: Delegate Frederick.

DELEGATE FREDERICK: Delegate Clagett, if you will answer a question for