

also raised the same question. I suppose that it is a possibility. We were faced by a situation in which the Legislative Branch Committee, which we thought probably had power in dealing with the nature of the legislative branch, had been careful not to name the head or the presiding officer in either of the houses because they wanted to leave the legislative branch free. It seemed to us undesirable to have it pop up some place else although I admit that there might be some circumstances in which it might be possible that at least a temporary presiding officer might not indeed be the president or his equivalent.

THE PRESIDENT: Delegate Grant.

DELEGATE GRANT: In this we are dealing with what obviously would be an emergency situation, where we do not have either a governor or lieutenant governor. I point out to you that there may well be a situation in which there may well be no president of the Senate and you would have a presiding officer. I wondered if you wanted to make a more definite indication of a specific person rather than a person who just happened to be filling a particular office at that particular moment.

DELEGATE PENNIMAN: I really do not know what the answer is in this situation. Perhaps the substantive committee has a bit of wisdom which is beyond mine. I really am trying to call it to the attention of the Convention.

THE PRESIDENT: Delegate Grant.

DELEGATE GRANT: I had a second question on page 12.

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: I hope I can be more precise in my answer to that one.

DELEGATE GRANT: In section 4:30 I presume you intended that to mean in the conjunctive and not in the alternative, on line 16?

THE PRESIDENT: You mean in line 18 it should be "appointment and removal".

DELEGATE GRANT: Do you mean to say "persons whose method of removal" or do you mean the person who is obtaining the appointment is the same one of whom you are contemplating the removal?

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: Those are not our words. They are the words of the original committee.

THE PRESIDENT: Delegate Grant is asking a question with respect to section 4.30 which I think may more properly be addressed to you. He calls attention to the fact that the disjunctive is used in the first three words of line 18 on page 12 and asks whether or not you intend the section to apply to a person whose appointment and removal is not specifically specified, or whether you mean literally one whose appointment is not specified but whose removal may be, or one whose appointment is specified and removal not. Is this your question, Delegate Grant?

DELEGATE GRANT: Yes, Mr. President.

THE PRESIDENT: Delegate Morgan.

DELEGATE MORGAN: We meant "or" in the disjunctive and not "and."

THE PRESIDENT: You meant that a person with respect to whom the method of appointment is specified, but the method of removal is not specified, may be removed as prescribed by law, and that a person whose appointment is not prescribed but his removal is prescribed, may be appointed as prescribed by law; is this what you are saying?

DELEGATE MORGAN: That is correct, Mr. President.

THE PRESIDENT: Delegate Grant.

DELEGATE GRANT: My question possibly goes a little further than that because you have both appointive and elected officers. What I am assuming from what we have done so far, is that you do mean appointment and removal to apply to appointive officers, or to appointive and elected officers in the case of removal.

THE PRESIDENT: I take it the answer to the previous question would give you an affirmative answer to this. I am not sure that is what he intends. Did you follow the second question, Delegate Penniman?

DELEGATE PENNIMAN: The question is whether it applied to both elective and appointive officers.

THE PRESIDENT: The appointment can apply only to appointive officers. The question is does removal apply to only elective officers.

DELEGATE PENNIMAN: No. It applies to both elective and appointive offices.

THE PRESIDENT: Delegate Grant.