

governor" and insert in lieu thereof the following: "or the lieutenant governor or presiding officer of the Senate acting as Governor".

THE PRESIDENT: Delegate Morgan, do you desire to amend your amendment in line 9 to strike out "presiding officer" and write in "president"?

DELEGATE MORGAN: I do.

THE PRESIDENT: If there is no objection, the Amendment is modified.

DELEGATE MORGAN: This is to correct an oversight. In setting forth the jurisdiction of the Court of Appeals, we neglected to give the Court of Appeals jurisdiction to adjudicate disputes or questions arising from the providing of the president of the Senate as acting governor, and that was the only omission we made in that section. This was merely to correct that omission.

THE PRESIDENT: Is there any discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 7 to Committee Recommendation EB-1 and EB-2 as amended by Report S&D-13. A vote Aye is a vote in favor. A vote No is a vote against. Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

Delegate Beatrice Miller.

DELEGATE B. MILLER: We are wondering whether the words "or the service of" should be stricken in that sentence.

THE PRESIDENT: Delegate Morgan, did you hear the question?

Delegate Miller, there is a change as you see, and I think perhaps the amendment was prepared before the amendments of the Committee on Style had been known.

Delegate Morgan, the change comes about because in the original text it was serving as acting governor and you used the words "acting as governor."

DELEGATE MORGAN: That is correct, Mr. President.

THE PRESIDENT: I assume, Delegate Miller, that the words "or the service of"

should come out in the light of the verb "acting" in line 8, but I would also assume the Committee on Style could restructure the sentence the way it was before.

Delegate Marion.

DELEGATE MARION: Mr. President, when the Committee on Style was working on this particular section, section 4.11, we were given to understand that the listing of the areas of jurisdiction for the Court of Appeals were spelled out as they were in that section originally so as to correspond to the five preceding sections, sections 4.06 to 4.10.

The language which this seeks to delete refers to section 4.07 in which there is contained no reference to the president of the Senate as acting governor. That comes under section 4.09, and we were told by the staff advisor that this was the best way really to incorporate by reference all that was contained in those five prior sections.

THE PRESIDENT: Delegate Morgan.

DELEGATE MORGAN: Mr. President, I do not quite understand what Delegate Marion is talking about. In section 4.09, beginning at the bottom of page 4 and the top of page 5, under certain circumstances, the presiding officer of the Senate serves as acting governor until the newly elected governor is qualified. Now, there was no mention of that in the jurisdiction that was given to the Court of Appeals, and this was simply to fill that void. That is the sole purpose of the amendment.

THE PRESIDENT: Delegate Marion.

DELEGATE MARION: My only point was that—Mr. President, perhaps the hour is too late for me to make myself clear.

*(Laughter)*

DELEGATE MARION: The point that I was trying to make was that when we considered this in the Committee on Style, we were advised that the five items listed in section 4.11, the areas of jurisdiction of the Court of Appeals beginning with "the failure of the governor-elect to take office" down through to wherever the sentence ends, were in effect the captions or titles of the five preceding sections, and the section which this includes refers to the service of lieutenant governor as acting governor, section 4.07, which in the body of the section does not provide for the president of the Senate to serve as acting governor. The only time when the president of the Senate is mentioned as serving as acting governor is in section 4.09 which