

uniformity of jurisdiction, some inability to assign the judicial manpower, could seriously disrupt the orderly and efficient administration of justice in the State.

THE CHAIRMAN: You have a quarter of a minute, Delegate Mudd.

DELEGATE MUDD: Therefore, we respectfully urge your rejection of this amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

DELEGATE BARD: I have a question, Mr. Chairman. Is it in Order?

THE CHAIRMAN: To whom is your question?

DELEGATE BARD: Delegate Macdonald.

THE CHAIRMAN: The delegate desires to speak. He will be recognized first.

Delegate Mason, do you desire to speak to the amendment?

DELEGATE MASON: No. I have a question to Delegate Macdonald.

THE CHAIRMAN: Delegate Macdonald, will you yield to a question from Delegate Bard?

DELEGATE MACDONALD: Yes.

THE CHAIRMAN: Delegate Bard.

DELEGATE BARD: Delegate Macdonald, would your motion preclude the fact that the change you recommend for 5.08 would also necessitate a change in 5.10, on line 41?

DELEGATE MACDONALD: I did not hear everything you said.

THE CHAIRMAN: Delegate Bard.

DELEGATE BARD: Delegate Macdonald, would it not be true that the change which you recommend for 5.08 would also need to be made by your logic in 5.10, line 41?

THE CHAIRMAN: Delegate Macdonald.

DELEGATE MACDONALD: Yes, and I intend to introduce a similar amendment to section 5.10.

THE CHAIRMAN: Delegate Macdonald, do you yield to a further question from Delegate Mason?

DELEGATE MACDONALD: I do.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Delegate Macdonald, could the legislature establish a functional division in the superior court of one county as opposed to establishing this in all counties?

DELEGATE MACDONALD: As I interpret the Committee's report, and if this is incorrect, I would like to have Delegate Mudd correct me, that if the court already had jurisdiction over the subject matter, it could create a functional division in one or more counties to take care of that matter, over which it already has jurisdiction. For example, assume that the superior court already has jurisdiction over divorce cases. It could in one or more counties establish, in my opinion, a functional division so that one judge would be assigned to those divorce cases in that county.

If it is a matter over which the court does not at the present time have jurisdiction, then it would be necessary to grant the jurisdiction to the court and that grant of course would be state-wide.

I understand that to be required by Section 5.07. And then in such counties where the work was so heavy that it would be necessary, or desirable, to have a particular judge sitting on those cases, you could establish that functional division.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment? Delegate Dukes?

DELEGATE DUKES: May I ask a question of Delegate Mudd?

THE CHAIRMAN: Of Delegate Mudd?

DELEGATE DUKES: Yes, sir.

THE CHAIRMAN: Does Delegate Mudd yield to a question?

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Dukes.

DELEGATE DUKES: Delegate Mudd, I, like Mr. Macdonald, am strongly in favor of the uniform four-tier system. If the language in section 5.08 and also in 5.10, which we are not discussing, functional divisions of superior court, may be established in any county as prescribed, if it means what I think it does I am satisfied. Did you hear Delegate Case this morning in his explanation of what he thought the legislature could do?

DELEGATE MUDD: Yes, sir.