

mented, Mr. Chairman, in the presentation of this, there was no intention on the part of the Committee to interfere with the present facilities that are operating under the circuit system. Our recommendation does create one superior court. However, obviously that superior court will have to function in the political subdivisions.

THE CHAIRMAN: I take it that the answer to your question then is not that there be a separate superior court in each county, but that the superior court will sit in each county, is that correct?

DELEGATE MUDD: Yes.

THE CHAIRMAN: Does that answer your question, Delegate Kiefer?

DELEGATE KIEFER: Thank you.

THE CHAIRMAN: For what purpose does Delegate Scanlan rise?

DELEGATE SCANLAN: I wish to speak against Amendment No. 9.

THE CHAIRMAN: You may proceed.

DELEGATE SCANLAN: The events of the last forty minutes furnish a small example of why perhaps Shakespeare was justified in his words to Henry V when he said "The first thing we do is kill all the lawyers."

*(Applause.)*

I was quite surprised when the Chairman of the Committee, who waged a magnificent fight for a unified judicial system and held firm on many motions yielded so readily to what seemed an innocuous motion but one, I suggest, can do no good, is unnecessary and, worse, indicates that he really did not mean it all the time.

It is perfectly clear what the intention of the Committee was on these various matters that there be a resident judge in each county. It is also perfectly clear that judges of the superior court can be assigned throughout the State as case loads change. We should leave it to legislative history rather than trying to write every word of caution into this constitution.

For that reason I again oppose Amendment No. 9 and Amendment No. 8 and any further elaboration of section 5.08 on this point. It seems perfectly clear, if not in text, certainly in the abundant legislative history and intention demonstrated on the floor, and certainly in response to Mr. Johnson's comments and Mr. Kiefer's question.

THE CHAIRMAN: Does any delegate desire to speak in favor of Amendment No. 9?

Delegate Clagett.

DELEGATE CLAGETT: Whereas I agree with much of what Delegate Scanlan said, I do not want to join him in that common resting place to which he is confining us all. Therefore, I would want to at least accomplish the purpose for which Amendment No. 8 was originally filed and now Amendment No. 9 is before you, that is to insure that there be individuals of the superior court in each of the counties. I feel certain that on the basis of the discussion now, forty-two minutes, that the Style and Drafting Committee clearly have before them what we wish to accomplish and can accomplish exactly and specifically.

I, therefore, ask you to vote in favor of Amendment No. 9.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to Amendment No. 9?

Delegate Bard.

DELEGATE BARD: I would like to ask Delegate Clagett a question.

THE CHAIRMAN: Does Delegate Clagett yield to a question.

DELEGATE CLAGETT: Yes, sir.

THE CHAIRMAN: Delegate Bard.

DELEGATE BARD: A while ago you said you felt there ought to be a division of the superior court in each county. Are there divisions that are geographical in nature or are not the divisions functional in nature?

DELEGATE CLAGETT: I would agree with the Chairman of the Committee, Delegate Mudd, that the word "division" be stricken if it causes any confusion. I mean for there to be a superior court in each of the 24 counties, and that includes at least one, Delegate Mason, for Baltimore City.

THE CHAIRMAN: Is there any further discussion?

Delegate Marion.

DELEGATE MARION: Mr. Chairman, let me, if I may, try to make one thing clear because it relates to the difference in terminology between section 5.08 as presented and section 5.10 where the language of sitting regularly is used and recommended by your Committee.