

for the same reasons I advanced in opposing Amendment 14 and others dealing with this same subject.

The fact of this amendment, as I understand it, would be really more dangerous than any previously proposed in relation to this section of the Committee's draft. Deleting the words proposed by Amendment No. 17 and substituting those suggested, "Commissioners may exercise such powers as prescribed by law," would lead to the legislature as I see it having the right to prescribe the jurisdiction of the four-tier system. It would deplete the jurisdictional powers of the district court and prescribe by law the powers of the commissioners, which would in effect destroy the balance that the Committee Recommendation had in mind for this four-tier court system and the intent that the commissioners function only in a limited area consistent with their non-legal training and qualifications.

For those reasons we must strenuously oppose this amendment.

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

Delegate Fox?

DELEGATE FOX: Mr. Chairman, a point of parliamentary inquiry. If this is adopted, would it not obliterate Amendment No. 16 which was just unanimously adopted? It seems to me it completely destroys Amendment No. 16.

THE CHAIRMAN: That is true. That is one of the reasons the Chair had some difficulty in determining whether the amendment was in order, but it is not precisely the same and is in order.

Does any other delegate desire to speak in favor or against? Delegate Hardwicke?

DELEGATE HARDWICKE: I am very much aware of Delegate Grant's admonition that he did not expect a great deal of debate on this. Frankly, I am quite sympathetic to the concept, and I wonder if Delegate Grant would consider leaving in lines 1 through 4, and in lieu of striking them to provide that "the commissioners may exercise such other powers as may be prescribed by law," making it clear that the other powers that could be prescribed by law would be similar to those in lines 1 through 4. The reason this has a great deal of merit, Mr. Chairman, and with all due respect to Chairman Mudd's viewpoint is that we are freezing into the constitution certain, I think, very limited concepts and I do not think it is a good constitu-

tional principle to do so. It seems to me that if we permit the legislature to do other similar things to those that are set out in the constitution, we are going to avoid a great deal of unnecessary amendment to this document.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I would be perfectly willing to accept that modification and leave it to the Committee on Style and Drafting to draft the language to that extent.

THE CHAIRMAN: I do not think we can do it quite that way. Delegate Grant.

DELEGATE GRANT: What I meant was, to use a term other than a Latin legal term, which might not be completely understandable to all the delegates.

THE CHAIRMAN: I think there are too many substantive questions involved in the proposition to leave it to the Committee on Style merely on a statement of intention. Delegate Grant. I think you can perhaps modify your amendment, but the Chair would have to inquire, for instance, as to several things.

Under Amendment No. 16, you would have the provision that the various powers there spelled out should be exercised only as prescribed by rule. Did you intend to delete that or leave it in?

DELEGATE GRANT: It would be my intention that all the powers previously prescribed would be by rule, and then such other similar powers as Delegate Hardwicke has just proposed could be added by the legislature.

THE CHAIRMAN: The Chair would then rule the amendment out of order as being the same as the amendment which would have deleted the language, "as prescribed by rule," and have left it to both the legislature and the court to prescribe by statute or by rule. That was Amendment No. 15, if I understand you, Delegate Grant.

DELEGATE GRANT: It being my desire not to have a prolonged debate on this matter, I would suggest we go ahead and vote on it, and if there is another amendment offered which would cure the defects we could start de novo.

THE CHAIRMAN: Delegate Grant, the Chair does not desire in any way by making a suggestion to put you in a box or lead you down a primrose path, so to speak. It would be possible to modify your