

**THE CHAIRMAN:** The amendment having been seconded, the Chair recognizes Delegate Weidemeyer to speak to the amendment.

**DELEGATE WEIDEMEYER:** Mr. President, members of the Convention, I will not take too long on this because I think that everyone can see the purpose of this amendment.

In the last sentence of section 5.29 it read now, any judge may be assigned to assist temporarily in any court, as prescribed by rule.

As I read that, it would mean that judges everywhere throughout the court system could be assigned anywhere to sit temporarily.

I do not know whether the Committee intended that district court judges would sit everywhere. As it is now, the district court under this new set-up will take the place of our people's court, our municipal court and our trial magistrate, and I would assume that since the district court more or less will be a court of rather limited jurisdiction, that the qualifications will not be quite as heavy and severe as the judges of the superior court.

I could conceive of some of the district court judges being perfectly able and qualified to sit temporarily in superior court cases, but I have my doubts as to whether many of them would be qualified to sit as judges on the intermediate court of appeals, or in the Court of Appeals, and I must say I have conferred with some delegates. They think well of this amendment and some others have felt a little horror about it, but I felt it was time to present it, and let this Convention decide now and for all whether or not the district judges of limited jurisdiction should sit on the appellate division in special cases, and that is the simple purpose of this amendment.

**THE CHAIRMAN:** Delegate Mudd.

**DELEGATE MUDD:** Mr. Chairman, ladies and gentlemen of the Committee: I must rise to oppose this amendment.

This matter in a little broader form was proposed and considered in our Committee. The proposal before our Committee precisely was that the vertical assignment of judges be prohibited in the constitution.

I believe the suggestion probably received more support to prohibit the assignment in the opposite direction. There was some thought in our Committee that it probably was not practical to assign, for instance,

a Court of Appeals judge to a district court.

This proposal by Delegate Weidemeyer and others is to prevent the assignment to a court of higher jurisdiction.

The exact proposition covering both up and down assignment, in other words, vertical assignment in our Committee received only one vote to include it in the constitution as a restriction on the assignment of judges within the rule-making power of the Court of Appeals. More members of the Committee on the Judicial Branch voted to omit such a provision from the constitution, and accordingly, I oppose the amendment.

**THE CHAIRMAN:** Any other discussion? Are you ready for the question? The Clerk will sound the quorum bell.

A question arises on the adoption of Amendment 59. A vote Aye is a vote in favor of the amendment. A vote No is a vote against. Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote? The Clerk will record the vote.

There being 33 votes in the affirmative and 85 in the negative, the motion is lost. The amendment is rejected.

The Chair believes this concludes consideration of sections 5.29 to 5.31. If so, we will move to a consideration of part 4 of the Debate Schedule.

The Chair recognizes Delegate Mudd for a brief presentation of the Committee Recommendation.

**DELEGATE MUDD:** Mr. Chairman —

**THE CHAIRMAN:** For what purpose does Delegate Price arise?

**DELEGATE PRICE:** Mr. Chairman, I have a very small privilege to ask. One of the pages this morning, and I suppose yesterday, was circulating a little booklet in which delegates were signing their names for her collection at home, and somewhere along the line that book has been lost, and Mary would love to find it. If anyone has a little blue book with pictures of all the delegates in it, and pretty much completely endorsed by all the delegates, would you bring it back this way, please. She would like to have it for her collection. Thank you.

**THE CHAIRMAN:** You might take a look in your desks, if you don't mind and see if by any chance the lost book has been put in it.