

DELEGATE KOSS: My question, I suppose, is how is one adjudicated mentally incompetent?

Is that not the same procedure as is described by "non compos mentis"?

THE CHAIRMAN: I do not know to whom you are addressing the question. If you are addressing it to the Chair, I would be inclined to agree with you, but Delegate Sybert may have different ideas.

Delegate Sybert?

DELEGATE SYBERT: The formal and old-time, I might say, adjudication of a person as non compos mentis has been by jury action in court.

After a verdict of mental incompetence, that is, if the person is non compos mentis —

THE CHAIRMAN: If I may cut across you, I think I understand what you are getting at, and we could perhaps clear it up by a matter of reference to the Committee on Style.

I take it that Delegate Sybert is afraid that the phrase "adjudicated non compos mentis" could refer only to the old sheriff's jury verdict, on writ de lunatico inquierendo. (*Laughter.*)

I am sorry, there is no other way to say it. He is suggesting that since that may not be what the Committee means, would you be willing to use a more modern expression if the Committee on Style deems it appropriate, and I would suggest that you answer in the affirmative. (*Laughter.*)

Delegate Koss?

DELEGATE KOSS: As long as that language suggested by Judge Sybert would carry on the standards that the Committee wanted, we would certainly be willing to come in in 1967.

THE CHAIRMAN: It seems to me, Delegate Sybert, the Committee's intention is clear that by the use of the phrase "adjudicated non compos mentis" they were not intending to refer to any ancient procedures.

Delegate Sybert.

DELEGATE SYBERT: But as I understand the law, and I possibly need to freshen up on it, the proceeding to adjudicate a person as non compos mentis is under one series of legal sections, one section of the Code, and adjudication as a mental incompetent is under another.

THE CHAIRMAN: Delegate Koss has, at the suggestion of the Chair, given you the affirmative answer that she would not object to the use of the words "adjudication or judicial determination of mental incompetence".

DELEGATE SYBERT: Thank you.

THE CHAIRMAN: Is there any further discussion?

Delegate Wagandt.

DELEGATE WAGANDT: Would Delegate Bamberger yield for a question?

DELEGATE BAMBERGER: Yes.

THE CHAIRMAN: Delegate Wagandt.

DELEGATE WAGANDT: I am somewhat concerned with the term "mental incompetence" and how broadly this could be interpreted.

Would you accept as a substitute the word "insanity" for "mental incompetence"?

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: I would not accept the amendment, because I am not sure I know what "insanity" means.

I think we should go ahead and vote on this. The point really is rather simple and is whether you wish to stay with the Committee's draft which says in the case of insanity a person shall be disqualified from voting by a certain procedure, but people just as ill, who are not subjected to the some process, may vote, or whether you wish to say that this is a field which requires further exploration, and that the General Assembly should have the power to remove from the voting rolls people who may not have the mental capacity or mental ability, who may be so diseased in mind as to not be entitled to vote.

The amendment suggests that we empower the General Assembly to make these decisions.

THE CHAIRMAN: Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: I would like to ask Delegate Bamberger a question if he would yield.

THE CHAIRMAN: We have had the period of questions of the sponsor renewed four times. I think we have to cut it off some time, so will you limit yourself to one question, please?

Will Delegate Bamberger yield for a question?