

that cutoff date would not be limited, necessarily, to the judges who are now appointed, and holding office, but that it would, in fact, give the counties a chance to secure legislation which would adopt systems of their own which could be blanketed in.

I take it that the transitory committee has scrapped that part of the proposal.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Well, in answer to that, the Bar Association's recommendation, as I understand it, was not made with a view to a new constitution coming into effect. It is our purpose not to permit anybody to tamper with the new constitution coming into effect by the device of creating judgeships, and I think I know what you have in mind, but if the counties on an individual basis could create a large number of judges, and we had to preserve them under the new constitution, we would give them a unilateral control over the new constitution with regard to the judges so created.

We do not think that is right.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: Do you not envisage that the legislature in setting up the districts for the district court system could control this? Is this not the way it is really going to be controlled?

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Yes.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: So that actually the fear that you suggest is not present, because the legislature in the last analysis, when it districts the State, is going to have to take a hard look at the whole thing, and either increase or reduce the number of judges who have then been in existence.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: I would only suggest to you, Delegate Case, if your point were to prevail, it would not be the General Assembly that would have control over the new judgeships. It would be the local county governments which would have control over the new judgeships.

THE CHAIRMAN: Delegate Case.

DELEGATE CASE: I do not want to debate it with you now, but I strenuously disagree with that.

For example, using Delegate Grant's county, which is the one that has been used most frequently: if Garrett County passed a bill which would set up five full-time People's Court judges, you do not for one think that the legislature would not when it redistricts the State have the power to cut that down to one, do you?

THE CHAIRMAN: Delegate Case and Delegate Hardwicke, I think the last several questions and answers were passing each other. When I made the suggestion that I did to you earlier as to your first question, that Delegate Hardwicke was conferring with Mr. Adkins, and did not catch the distinction.

Delegate Hardwicke, when Delegate Case was referring to People's Courts created in counties, he was not referring to People's Courts created by local government, but by act of the legislature for a county.

I think, Delegate Case, that what Delegate Hardwicke is saying is that the intent of these provisions is that from now on, the legislature in creating any People's Court judges for any particular county would have in mind that it is also within a very few years going to be creating a district court, and it would act in creating the new People's Courts on the assumption that it was acting temporarily.

In other words, it would be a part of the overall picture with the new district court to come into effect as soon as the legislature had worked out the details.

Delegate Case.

DELEGATE CASE: But it does to that extent freeze judicial reform in the State until 1970.

THE CHAIRMAN: No. I do not think it freezes judicial reform. The General Assembly, to use again your illustration of Garrett County, if it is deemed desirable to supplant the present trial magistrates system in the county with a People's Court, could do so, but it would be doing so with the idea it could act in two bites, one, effective from now until 1970, and the second when the district court system came into effect.

Delegate Case.

DELEGATE CASE: My only point was that this prevents the legislature in its wisdom from acting in one bite.

THE CHAIRMAN: I think that is true. Are there any further questions as to section 23?