

It really should be clarified. Delegate Hardwicke, do you want to speak to that?

DELEGATE HARDWICKE: Delegate Cardin, in about two weeks Delegate James will be presiding in the chamber across the hall that is known as the Maryland Senate, and this is just a provision of law that we have picked up from the existing law. I will admit it has a little problem in the fact that it contemplates a spouse will be a woman. I think we ought to come down to see President James to see if he cannot amend this law to have it read the spouse will be of either sex.

DELEGATE CARDIN: I began facetiously. I am quite serious in my next comment. In the present constitution there is some terminology dealing with offices and appointment and stating that where the masculine gender is used it shall be construed to include feminine gender.

Nowhere in this provision have we any such provision or clause, but we do have now for the first time in this schedule of legislation a change of gender. I am wondering whether we should not include, since evidently there is a difference, and may continue to be a difference for some time under the Code, such a clause, which would state that masculine shall be construed to be feminine or either way it is taken. This is my question.

DELEGATE HARDWICKE: I suppose the answer is yes.

DELEGATE JAMES (presiding): I think this question should be given some further consideration.

DELEGATE HARDWICKE: I think what Delegate Cardin is asking is that if we say that the neuter shall always mean the masculine, suppose you use the feminine, does that also mean the masculine? Should we have rules of interpretation to that effect?

DELEGATE CARDIN: I would like it to be broader, if possible. I would like it simply to state that whether we use the masculine or the feminine, we mean either.

In other words, when we use "his", we do mean "hers", and in this particular case, "unless she remarries", should also be construed "unless he remarries", as well.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: As I understand it, in Article 1 of the Maryland Code, which is an article dealing with in-

terpretations, this point is made and just as you say, that is, the woman shall be believed to be the masculine where that is appropriate and neuter shall be determined to be masculine where appropriate. I think that is a matter of statutory interpretation.

DELEGATE JAMES (presiding): That is correct.

Delegate Adkins.

DELEGATE ADKINS: Mr. Chairman, I have one question in connection with these pensions. As I understand it, the normal retirement age for judges is set at seventy. As I read section 22, it provides that he shall not be paid a pension unless he has reached his sixtieth birthday. My question is, if he elects to resign, say, in midterm, at his sixtieth birthday, can he then receive the same rate of pension in terms of the number of years of service times the per annum from sixty, as he would receive at seventy?

In other words, a man we will say who served ten years, resigns at sixty, in the case of the Court of Appeals. Would he be entitled to \$13,000 a year? Would he receive the same? Would he be entitled to receive thirteen thousand dollars a year, beginning at age sixty, as he would if he continued until seventy?

In other words, does the annual rate remain the same? This is unlike any other pension plan I have ever heard of.

DELEGATE HARDWICKE: Delegate Adkins, we picked up in this section 22 practically verbatim the language of the Legislative Council bill, which, in turn, includes the language of existing law, and I think the answer to your question is yes.

DELEGATE ADKINS: In other words, no difference is made in terms of the per annum multiple times the years of service, no matter whether he retires at age sixty or age seventy?

DELEGATE HARDWICKE: That is correct. Once he reaches this maximum amount, that is correct.

DELEGATE ADKINS: Suppose he does not reach the maximum amount. Let's assume he serves five years, and he elects to retire at fifty-five. He serves from fifty to fifty-five. Beginning at age sixty, does he get the same per annum rate that the man would get who served until he was seventy?

DELEGATE JAMES (presiding): I think it depends on the conditions under