

1 Being mindful of that discussion this morning,
2 we may require some further consideration of that and
3 possible amendment of this article.

4 THE CHAIRMAN: Delegate Macdonald.

5 DELEGATE MACDONALD: Mr. Chairman, calling your
6 attention to sections 5.08 and 5.10, what were the
7 disadvantages, in the committee's thinking, of allowing
8 functional divisions in these two courts to be established
9 by either rule or by law?

10 DELEGATE MUDD: You mean making it optional or
11 concurrent with the legislature and with the courts?

12 DELEGATE MACDONALD: Precisely. Especially in
13 view of the last section whereby you provide that when the
14 General Assembly has the power and when the court has the
15 power by rule that the last enactment shall prevail.

16 DELEGATE MUDD: Yes.

17 DELEGATE MACDONALD: Especially in view of the
18 history whereby there has been very little conflict
19 between General Assembly and Court of Appeals in its
20 rule making authority.

21 THE CHAIRMAN: Delegate Clagett, do you still