

1 opposition to the amendment, yes, sir.

2 THE CHAIRMAN: You may proceed.

3 DELEGATE M. SMITH: May I suggest to you, Mr.
4 Chairman, that what we are really and truly talking about
5 here is letting the courts administer the courts. Now,
6 the power does reside in the people. The power resides
7 in the people, and if that power of administration is
8 abused, the people have the power to amend this constitution.

9 I submit to you, sir, that the people who have
10 here responsibility with reference to this rule making
11 power overlook the procedures that have heretofore been
12 used insofar as that rule making power is concerned.

13 Now, you, Mr. Chairman, I think have been a
14 member of the Rules Committee. I have never been a member
15 of the Rules Committee of the Court of Appeals, but you
16 know, sir, that the practice has been, when the Rules
17 Committee was considering a rule, a draft of a rule, that
18 it was published in the daily record; it was circulated.
19 The bar and the public have been given an opportunity to be
20 heard, and then it is only after that that the rule has gone
21 to the court and has been adopted by the Court of Appeals.