

DELEGATE SYBERT: Delegate James, I did not quite follow your argument: If three or five or ten district judges were initially appointed for a district, in other words, a multiple judge district, and one of them died and this amendment were adopted requiring the vacancy to be filled from the county where the vacancy occurred so as to maintain the number in existence, how would that affect the situation?

THE CHAIRMAN: Delegate James?

DELEGATE JAMES: As I see the situation, it is exactly this: The judge dies and you have enough judges to maintain the basic minimum for the counties, yet there would be a constitutional requirement that the vacancy be filled from the county where the judge died.

This might not necessarily be required to provide for basic minimum county representation, but in spite of this fact, the governor and the nominating commission would be tied to the area where the vacancy was created. In other words, even though it might not be necessary to maintain the constitutional minimum requirement for a district judge from each county of the State if the caseload did not warrant it, one would be appointed to fill the vacancy. I simply think this is a little bit different from the provision we adopted on Friday.

THE CHAIRMAN: Delegate Schneider is recognized to speak in opposition.

DELEGATE SCHNEIDER: I would like to bring up the point I brought up before which I think Delegate James has somewhat hit upon. That is we have not abolished the districts. Perhaps the Eastern Shore counties with their one district court judge might have a requirement for some residual amount above that; there might be three of them in a district. Or a district of three counties might need three judges, plus a fourth one to go between the counties. A larger county might need, on the other hand, 2.5 judges and another county 2.5 as well. To keep the district concept, we are going to have to allow residency in the district. If we require residency in the county there is no real reason then for the district concept. If we vote for this amendment we admonish you to strike out the whole concept of districts. I urge the defeat of this amendment.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment? Does any other delegate desire to speak in opposition? Delegate Marion?

DELEGATE MARION: I would like to say I think Delegate James' explanation of what this amendment does and perhaps should not do is correct. I see no inconsistency between letting section 5.13 stand with the word district in it and Amendment No. 18 to section 5.10 which we adopted on Friday. I do agree further that if we adopted this amendment it would virtually preclude the establishment of districts for the administration of what we call the district court. I urge the defeat of the amendment.

THE CHAIRMAN: Are you ready for the question?

The question arises on the consideration of the second portion of Amendment No. 22. Delegate Storm?

DELEGATE STORM: Mr. Chairman, after conferring with my co-sponsor and Senator James and a couple of other delegates, if it is in order, we will withdraw our amendment.

THE CHAIRMAN: Delegate Sybert, do you concur?

DELEGATE SYBERT: Yes.

THE CHAIRMAN: The sponsor and seconder of the second portion of Amendment No. 22 have withdrawn it and it is no longer before you.

The amendment as so modified was rejected.

Now we come to section 5.14, consideration of the amendment offered by the Minority Report.

Will the chief page please cause to be distributed Amendment CE.

This will be Amendment No. 23.

The Clerk will read the Amendment.

READING CLERK: Amendment No. 23 to accompany Minority Report JB-1, to Committee Recommendation JB-1, by Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, Rush: On page 4 section 5.14 Nomination and Appointment strike out all of lines 35 through 50, inclusive, and insert in lieu thereof the following:

"Section 5.14. Nominations and Appointments for Appellate Courts.

"The governor shall fill a vacancy in the office of judge of the Court of Appeals and the Intermediate Appellate Court by appointing one person from a list of no fewer than three nor more than