

*(There was no response.)*

Please destroy your other copy and mark this Amendment No. 27.

The Chair would like to ask Delegate Chabot two questions for the purpose of clarification.

In view of Delegate Mudd's inquiry as to the meaning of the word "sufficient", in line 13, I would ask Delegate Chabot to indicate the meaning he ascribes to it, and also to indicate whether the last clause, beginning with the word, "which", on line 12, is intended to require the commission to submit an entirely new list, or simply to fill in the gaps in the existing list.

Delegate Chabot.

DELEGATE CHABOT: With regard to the first question as to the meaning of "sufficient", "sufficient" in line 13 is intended to refer back to "sufficient" as first used in that sentence, "a list sufficient to meet the requirements of this section."

"A list sufficient to meet the requirements of this section," which is section 5.14, means a list which contains no fewer than as we have now amended it, three or more than five eligible persons, the way these sections have been drafted. The definition of what is an eligible person is found in 5.13, so it means a list of no fewer than three, no more than five persons who are citizens of the State for five years, a member of the state bar for five years and a resident in the appropriate place.

THE CHAIRMAN: May I interrupt you there?

So that the Committee of the Whole will understand clearly what is intended, the word sufficient is intended to refer only to numbers and not to indicate that there is any discretion in the governor as to whether the persons whose names are on the list are or are not eligible; is that correct?

DELEGATE CHABOT: Well, it is not to indicate any discretion on the part of the governor as to whether these people would make good judges, but it is more than just numbers. It is the numbers plus the requirements of where they live and the membership of the bar, and so forth.

Now, your second question, the list would be a sufficient list, whether this involves substituting names or simply adding enough names to reach the minimum, this would be within the discretion of the commission.

I would assume that having once gone on public as saying that Mr. A and Mr. B are qualified and are two of the three best qualified, it would be an unusual commission which would then present the governor with the list that did not include Mr. A or Mr. B.

THE CHAIRMAN: But your interpretation is the commission would have that discretion?

DELEGATE CHABOT: The commission could have whatever discretion it would have had originally.

THE CHAIRMAN: Are you ready for the question?

The question arises on the adoption of Amendment No. 27. A vote Aye is a vote in favor of the amendment. A vote No is a vote against.

Cast your votes.

Has every delegate voted?

*(There was no response.)*

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 9 votes in the affirmative and 119 in the negative, the motion is lost. The amendment fails.

Before calling the next amendment, the Chair wishes to announce that at the suggestion of one of the delegates, I have asked pages to have at the doors of both the front and the back galleries copies of Committee Recommendation JB-1 and copies of any amendments that are proposed.

If any of the visitors in the galleries desire to follow the debate, they may ask the page at the door and obtain a copy of the recommendation and a copy of any amendments then pertinent.

I wish also to announce the presence in the rear gallery, the one over my head, of Senator Thomas M. Anderson, Jr., of Montgomery County, and present in the other gallery, I think, is Mr. Morris H. Blum, the president of WANM and WXTC, and past president of the Maryland-District of Columbia-Delaware Broadcasters Association.

Delighted to have them with us.

*(Applause.)*