

DELEGATE WEIDEMEYER: Mr. President, my question is directed to Delegate Miller, or Chairman Mudd, whoever would care to answer.

THE CHAIRMAN: Delegate Miller, do you yield to a question?

DELEGATE B. MILLER: Yes.

THE CHAIRMAN: Delegate Weidemeier.

DELEGATE WEIDEMEYER: Delegate Miller, in the event a commission had submitted five names to the governor, and the governor felt that the commission in submitting all five names had done a miserable job of recommendation, should he be required in so short a time as thirty days to make up his mind on such a perplexing question?

THE CHAIRMAN: Delegate Miller.

DELEGATE B. MILLER: Delegate Weidemeier, according to this article, the governor has no choice, whether he thinks those names are miserable or not, but to appoint from that list. There is nothing permissive in the statement of this article or this section, and therefore we are merely making plain what is written in the article.

THE CHAIRMAN: Delegate Weidemeier.

DELEGATE WEIDEMEYER: Then I gather from what Delegate Miller recommends by this amendment, that no matter what the commission lays on the governor's desk, that he is merely a servant of the commissioner and not a servant of the public who elect him?

THE CHAIRMAN: Delegate Miller.

DELEGATE B. MILLER: I would yield on this point or refer this question to Chairman Mudd, and ask him whether the governor is being given any leeway to accept or reject the names on the commission.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: No.

THE CHAIRMAN: Is there any further discussion?

*(There was no response.)*

Are you ready for the question?

Sound the quorum bell, please.

THE CHAIRMAN: The question arises on the adoption of Amendment No. 32 to

Committee Recommendation JB-1. 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 31 votes in the affirmative and 86 in the negative, the motion is lost, and the amendment fails.

Delegate Gleason, do you still desire to submit your amendment,

DELEGATE GLEASON: Yes, Mr. Chairman. I would like to inquire from the Chair as to how long he intends to go to-night?

THE CHAIRMAN: To finish this amendment.

The page will distribute amendment CX. This is marked amendment No. 33. The Clerk will read the amendment.

READING CLERK: Amendment No. 33 to Committee Recommendation JB-1, by Delegate Gleason: On page 4 section 5.14, Nomination and Appointment, strike out lines 38 through 45, inclusive, and insert in lieu thereof the following: "The governor shall, with the advice and consent of the Senate, fill a vacancy in the office of judge. Prior to submitting the name of his appointee to the Senate, the governor shall receive a list of no fewer than three nor more than five eligible persons nominated by a judicial nominating commission. If the governor fails."

THE CHAIRMAN: Is the amendment seconded?

*(Whereupon, the amendment was duly seconded.)*

The amendment having been seconded, the Chair recognizes Delegate Gleason to speak to the amendment.

DELEGATE GLEASON: Mr. Chairman, fellow delegates, it has been quite apparent to me, and I presume to most of you, that there is a troublesome aspect to the provision of the Majority Report with respect to the appointment procedure for appointed judges.

In my discussions of the committee recommendation during the day, and we have