

DELEGATE RYBCZYNSKI: May I just finish my sentence, Mr. Chairman? For those judges who are capable there is no law that says they cannot open up their offices or go to work for a law firm. There are plenty of good lawyers all over the State of Maryland.

DELEGATE J. CLARK (presiding): Does anyone care to speak against the amendment?

DELEGATE WEIDEMEYER: Again I find myself helping my good friend, the Chairman.

I found that this system is very good to ask the judges to come back and try cases. I do not think it is going to be abused by the Court of Appeals; the chief judge backed by the whole Court of Appeals has that prerogative.

Who does the questioning get directed to, if some judge gets an assignment and some one else does not get it?

The one who does not says the Court of Appeals and the other judges have ruled against him. So I want to abide by their wishes.

I remember many happy days in the Anne Arundel bar when your father was here and I loved to try cases before him, and when he was retired at seventy I wished many times that he was back on the bench; he was well able until the day he passed away to try cases. I do not think that the Court of Appeals is going to abuse this.

We are going to have plenty of judges over seventy. A lot of them I know are well able to try cases and when as Delegate Rosenstock has said, we will call on that reserve of human energy, knowledge and wisdom and give them a little work now and then, it would make their declining days much happier.

DELEGATE J. CLARK (presiding): There is about one minute remaining; would Delegate Johnson wish to designate someone to speak?

DELEGATE JOHNSON: Is this under controlled time?

DELEGATE J. CLARK (presiding): We are under controlled time.

DELEGATE JOHNSON: I did not realize that. I have no one in particular. I assume there is some additional time remaining under uncontrolled time, is that correct?

DELEGATE J. CLARK (presiding): Yes.

Delegate Mudd.

DELEGATE MUDD: I will yield to Delegate Scanlan.

DELEGATE J. CLARK (presiding): Delegate Scanlan.

DELEGATE SCANLAN: Mr. Chairman and fellow delegates, I know this is an age where youth must be served, but it seems to be arbitrary and almost stupid to reject the wisdom of those who have served in the public service and demonstrated their ability merely because they reach the arbitrary age of seventy.

If I had my own preference, I think a man could continue after seventy except upon the recommendation that he should retire by a disability commission.

History is full of examples where men in their seventies and indeed eighties were able to carry on great services for their country.

Cato the Elder continued leading until his eighties. Was there a greater speaker than Winston Churchill? Observe how long he continued to contribute.

Supreme Court Justice Hughes, Holmes and Hugo Black would be denied the privilege of serving in an emergency status in the courts of this State.

We draw here again upon the federal example where for instance in the Court of Appeals in the District of Columbia we have three retired judges serving when they are asked to. In this State one of the judges in the intermediate court had been an attorney general and deputy attorney general unless he was called upon to disqualify himself.

The Court of Appeals had to designate a trial judge to hear those appeals. How much wiser and how much less of a drain on the manpower of the trial court judges if they had been able to designate one of the distinguished judges of the Court of Appeals to sit in the intermediate court of appeals.

I see no reason on earth for denying this flexibility that the majority recommends by virtue of their proposal. I cannot see the argument. I know the judge that my learned friend across the aisle referred to. It was my privilege to appear before Judge Chester. I must say that in his disability his intellectual vigor was the equal of