

The purpose of this proposed amendment would restrict the power of the legislature to exercise any restrictions in this area and leave entirely to the rule-making power of the Court of Appeals. We feel that since it is unnecessary to mandate the provision in the constitution, that by defeating this amendment and leaving the authority concurrently with the Court of Appeals and the legislature, that the situation is better taken care of in that manner, and we therefore resist the amendment.

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

*(There was no response.)*

Does any delegate desire to speak in opposition?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will sound the quorum bell.

The question arises on the adoption of Amendment No. 49 to Committee Recommendation JB-1.

A vote Aye is a vote in favor of Amendment No. 49. A vote No is a vote against. Cast your votes.

Have all delegates cast their votes? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 24 votes in the affirmative and 72 in the negative, the motion is lost. The amendment is rejected.

Are there any further amendments to section 5? Delegate Bennett.

DELEGATE BENNETT: Mr. Chairman, a personal privilege, please.

THE CHAIRMAN: State the privilege.

DELEGATE BENNETT: I take it that members of this Convention know that under a foundation grant, the political science department of Brown University is trying to find out how this Convention ticks and the extent to which it should be held up as a model to other constitutional conventions. There is a prejudiced viewer in the gallery who happens to be my grandson, accompanied by his attractive mother, Mrs. Wilma Bennett.

THE CHAIRMAN: Delighted to have them with us.

*(Applause.)*

Delegate White, for what purpose do you rise?

DELEGATE WHITE: I wonder if Chairman Mudd would yield for a question.

THE CHAIRMAN: To what section is your question directed?

DELEGATE WHITE: Section 5.24.

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

DELEGATE MUDD: Yes.

THE CHAIRMAN: State the question, Delegate White.

DELEGATE WHITE: I would like to get your reasoning behind the prohibition on a retired judge. He might be practicing law during retirement. Why would you make it necessary to preclude him from receiving money from acting in his capacity as a lawyer while in retirement, or while seeking election? I would like to get your thinking on that.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Our view, Delegate White, was that a retired judge is either retired or he is not. If he were recalled back to the bench, then possibly he might receive a salary of a sitting judge, and then would receive no pension. Likewise, if he elected to go back into the practice of law, then he would not receive a retirement. It was our view that he had a choice. If he desired to be turned out to pasture, stay on pasture, then he would get his retirement. If the pasture was not lush enough under retirement privileges, he could go back to practicing law and lose his retirement.

THE CHAIRMAN: Do you have any further question, Delegate White?

DELEGATE WHITE: No, sir.

THE CHAIRMAN: Is there any amendment to section 5.25?

*(There was no response.)*

The Chair hears none. Section 5.24. Delegate Johnson, do you still desire to offer your amendment L?

DELEGATE JOHNSON: If you can take them, Mr. Chairman, we can. Yes, we do.

THE CHAIRMAN: The Chair can take it for a very short while.