

Delegate Carson.

DELEGATE CARSON: Mr. Chairman, I do not want to seem impertinent and I am not being so, but could I address a question to you, sir?

THE CHAIRMAN: Yes, sir.

DELEGATE CARSON: If this proposed amendment is passed, would you agree that there is just absolutely no question that the General Assembly would be able to act in this manner and it would make it clear as a bell?

THE CHAIRMAN: If it is passed there can be no question that the General Assembly has the power granted to it by this section.

Delegate Hutchinson.

DELEGATE HUTCHINSON: I would like to ask Delegate Johnson a question if he would yield.

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

DELEGATE JOHNSON: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Hutchinson.

DELEGATE HUTCHINSON: If we pass this provision and put it in the constitution, then would the local government still be able to have their own sheriff's office, even if the other counties did not?

DELEGATE JOHNSON: If the General Assembly operated in this field, then the local government could not in my opinion.

THE CHAIRMAN: Delegate Hutchinson.

DELEGATE HUTCHINSON: Then I will vote against this amendment.

THE CHAIRMAN: Are you ready for the question?

Delegate Churchill Murray.

DELEGATE E. C. MURRAY: If we do not pass this, will it leave the individual counties with home rule free to establish a sheriffship of their own?

THE CHAIRMAN: To whom is your question directed?

DELEGATE E. C. MURRAY: The Chair seemed the most convenient.

*(Laughter.)*

THE CHAIRMAN: In the interest of time, the Chair will undertake to answer;

in his private opinion the counties would be free to provide for a sheriff to perform local functions.

DELEGATE E. C. MURRAY: This then, is what I advocated. I feel if authority is given to the General Assembly, there will be great temptation to provide it in all counties whether really needed or not.

THE CHAIRMAN: Delegate Johnson, did you desire the floor?

DELEGATE JOHNSON: I wanted a clarification, if the Chair will yield to a question?

THE CHAIRMAN: Which Chair?

DELEGATE JOHNSON: You, Mr. Chairman.

THE CHAIRMAN: Proceed.

DELEGATE JOHNSON: If you would yield for a question. Did I understand you to say, naturally, without endorsing this amendment, Mr. Chairman, that it is otherwise in order?

THE CHAIRMAN: I am not sure I understand the question. What do you mean by if I do not endorse it, it is otherwise in order?

DELEGATE JOHNSON: That the amendment is in fact in order and that it would be perfectly proper to have a section similar to this or a section like this in our constitution and that it is not inconsistent with the article.

THE CHAIRMAN: I think you are asking for the personal opinion of the Chair and the only way I can answer it is to indicate that I intend to vote against the amendment. I do not think it is necessary. I think it does harm. The Chair could not refrain from determining that Delegate Mudd is relaxing in high glee.

*(Laughter.)*

Delegate Johnson.

DELEGATE JOHNSON: What concerns the members of the minority is the fact that inasmuch as the local governments cannot act in matters pertaining to judicial power, that it is perfectly possible, is it not, that if the General Assembly is not given permission to establish the office of sheriff, that the judicial branch could establish the office of process server and the matters relating thereto and for all practical purposes do away with the office of sheriff in the local government so that the sheriff in the local government will have