

DELEGATE HARDWICKE: The answer to your question is yes.

DELEGATE RYBCZYNSKI: What would prevent it?

DELEGATE HARDWICKE: There is nothing to prevent it.

DELEGATE RYBCZYNSKI: Then we need an amendment.

DELEGATE JAMES (presiding): Delegate Henderson.

DELEGATE HENDERSON: I hesitate to rise on this point. I am not speaking now about the spouse, but I am speaking about the pension of retired judges. Being a retired judge myself, I may have a special interest which I am free to disclose at this time, but at the same time, I think I know the history of this, and I would like to try to explain why I think it is proper to set these things out in the constitution.

At the present time, the salaries of the judges at the superior court level in Baltimore City and in two other counties, I believe, are fixed and paid by supplementation at the \$30,000 figure. It would not be possible, I take it, during the term of office of any of those judges to reduce that salary, so that you have that figure really pegged in the constitution.

You have \$22,000 well pegged in the constitution for the district court when that comes along because the judges, I believe, in Montgomery County, are paid \$21,500.

As far as the Intermediate Court of Appeals is concerned, and the Court of Appeals itself, there should be some reasonable differentiation, between the work.

When I was on the Supreme Bench I got the great salary of \$10,000 a year and when I went to the Court of Appeals the salary there was \$11,000, but for probably the last five years of my service on the Court of Appeals, I was getting \$25,000, while the trial judges whose work I was passing on were getting twenty-seven and thirty, so that a twenty-five hundred differentiation between the judges of the Intermediate Court, and, again, of the Court of Appeals, would seem to be a reasonable one in view of the hierarchy and the responsibilities that those judges carry.

In addition to that being the figure which has already been approved, both by the Bar Association and the Legislative Council, it seems to me that they can be justified and defended on that basis, just as a matter of pure common sense.

I just offer that as a suggestion. To leave it out of the constitution and leave it to the legislature would make it possible, and this is the thing we have discussed in the Judicial Branch Committee.

It would make it possible for the local people to go and get their judges' salaries raised by supplementation and, therefore, raise the ante so that when the change went into effect, you would have a higher level set. By putting this thirty thousand figure in the constitution for the superior court judges, you prevent this local supplementation from getting out of hand and fix it at a figure which I suggest is the minimum which could be fixed under the present situation.

DELEGATE JAMES (presiding): Judge Henderson, is this schedule also fixed by the governor's commission to study judicial salaries? I believe that is the case.

DELEGATE HENDERSON: I also believe that is the case.

DELEGATE JAMES (presiding): I believe Delegate Case was vice-chairman of that commission.

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: I would like to ask Delegate Hardwicke a question pertaining to sub-section D of section 23, which provides that a spouse who is entitled to a pension under the provisions of this section shall be paid for the period of her life, unless she remarries, in which event the pension is to cease.

I wonder what the intent is behind that section. Is it intended to be compensatory or is it to provide a premium for remaining a widow?

DELEGATE JAMES (presiding): You do not have to answer that. We get this complaint frequently in the legislature. The women say they should not be penalized for remarrying. It is an old question.

DELEGATE HARDWICKE: The whole problem here, Delegate Weidemeyer, and those others of you, as Delegate Rybczynski, who have problems with this, is we are not equipped to give to the legislature a profound matter and we have tried in setting up this legislation in this constitution to take existing law, the existing constitution, or existing legislative proposals. We have tried to do a minimum of violence to them. We recognize this can be changed very promptly by the legislature. This is better than nothing. That is about as far as we can go with it because if we do not put something in here there will be nothing.