

the present Constitution, the governor of the State appoints the adjutant general? Does he also appoint the assistant adjutant general and other officers below the adjutant general?

DELEGATE BOYER: I am not positive, Delegate Marion. Perhaps Delegate Clarke who got into this in the Committee might answer, if I may yield to Delegate Clarke.

DELEGATE E. CLARKE: It is the general practice that the governor appoint the adjutant general. The adjutant general then nominates such other officers as he feels he needs to have an adequate staff and the governor then commissions those officers.

THE CHAIRMAN: Delegate Marion.

DELEGATE MARION: Then is it correct that the Committee intends the language "shall appoint its officers" means the Governor shall have power to appoint not only the adjutant general but assistant and all colonels and majors and captains and lieutenants down to second lieutenants in the Maryland national guard?

DELEGATE E. CLARKE: The intent is to permit the Governor to appoint officers in the sense that he appoints the adjutant general and such other top officers as seems desirable. Then, based upon the recommendation of the adjutant general, if there is one, or the chief of staff and the ranking officers, he would commission the other officers. This I believe, would be tantamount to appointment.

THE CHAIRMAN: Are there any further questions, Delegate Marion?

DELEGATE MARION: One other question of the Chairman of the Committee with respect to language "when in actual service" on line 19. Is it the intention of the Committee that members of the Militia be subject to trial for offenses which are committed while they are in actual service or only when they are on actual duty, which might be a much more limited concept in point of time?

DELEGATE BOYER: It was the intent that they be subject to trial for offenses while in actual service. Otherwise, they would be subject to civilian criminal procedures.

DELEGATE MARION: So that if someone committed an offense while he was on "active duty" or in "actual service," he could be tried by a military court even

though several weeks or months or years later and he was no longer in that service.

DELEGATE BOYER: If he acted in a dishonorable manner wearing the uniform or while in actual service, he would be subject to military discipline.

DELEGATE MARION: Thank you.

THE CHAIRMAN: Are there any further questions for purposes of clarification? Delegate Harry Taylor.

DELEGATE H. TAYLOR: I have one question to ask the Chairman of the General Provisions Committee. How much thought did the Committee give to the use of the word "great" on the 14th line? It occurs to me that we might be requiring the Governor to sit back and witness destruction of life and property up to a point that he determines to be great, but that actually might be an embarrassing wait.

DELEGATE BOYER: Delegate Taylor, this question did come up at great length. We deleted the word "great," and tried to find another synonym to substitute for it. We felt that the word "destruction" had to be limited so that it would not cover a minor automobile accident or something like that. We could find nothing more descriptive, more all-inclusive than "great" and had to leave it to the good faith and intelligence of the governor to determine what he considered serious.

DELEGATE HENDERSON: If you eliminate the word "great," would you not still be leaving to his wisdom and discretion.

DELEGATE BOYER: We felt it probably would be more opportune and more appropriate to put at least this restriction on the governor. Perhaps in your opinion it accomplishes nothing but the Committee felt it at least did put a floor, if not a ceiling.

THE CHAIRMAN: Are there any further questions for purposes of clarification? Delegate Hardwicke.

DELEGATE HARDWICKE: I would like to pursue with the Chairman the line of questioning, I believe, Delegate Bothe commenced, which is whether or not the Chairman believes, if we remained silent in the Constitution on the militia, the legislature might have the power to create one and empower the governor to do the things which he is empowered to do by this proposal.

DELEGATE BOYER: It is my understanding that where the Constitution is