

has to do with why you were reluctant to extend the jurisdiction of the commissioners and specifically spell out their function and responsibility in the constitutional language of your sections.

DELEGATE MUDD: The compelling reason as I recall was to limit the functions of these non-lawyer officers of the court within the areas as restricted and thereby improve the administration of justice.

To bring up the matter of search warrants, we thought that they should be handled at judge level rather than lay level.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: As a practical matter, does that not mean that the district judge is going to be routed out of bed at midnight in order to have a search warrant issued to make a raid upon a still in some section of the lower portion of the Southern Maryland counties? *(Laughter)*

DELEGATE MUDD: I assume you are speaking of the lower portion of Prince George's, but it is possible. *(Laughter)*

THE CHAIRMAN: Delegate Weidemeyer, did you have a question?

DELEGATE WEIDEMEYER: No, sir.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Mr. President and Chairman Mudd, I am concerned about the concentration of too much power in the judiciary. I think this a democratic form of government and of course there should be checks and balances in each division of the government as well.

I think that while it is a laudable aim to eliminate political influence from the judiciary, a number of efforts have been tried and I have not seen too much elimination of political influence from the judiciary.

THE CHAIRMAN: Delegate Mitchell, do you have a question?

DELEGATE MITCHELL: Yes, sir, I preface it with that. Therefore, I am concerned about the concentration of so much appointing power in the judiciary because I think that that opens the door to more political activity by the judiciary.

For example, it seems to me to improve—

THE CHAIRMAN: Delegate Mitchell, do you not think you could state your question now?

DELEGATE MITCHELL: Yes, sir.

Would it not be better to have the commissioners qualified by the state civil service system and appointed on merit rather than having them appointed by the judges?

Then I would like to ask why you eliminated in section 5.30—

THE CHAIRMAN: Section 5.30 is not open to question at this time. Questions are limited to 5.02 to 5.11.

DELEGATE MITCHELL: Sorry.

THE CHAIRMAN: Can you answer the first question, Delegate Mudd?

DELEGATE MUDD: I think your point is well taken, Delegate Mitchell, but it was the considered view of a majority of the Committee that if we mandate in the constitution administrative responsibility of this system to the judges, then we must give them the appointive power to provide those commissioners who in the judgment of the judge would be best equipped to perform an administrative function for the courts.

There is a lot to be said for checks and balances, but there is not very much practicality about giving me a job to do and then say you can only do it with someone appointed by the legislature. That was the thinking of the Committee.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: But, sir, on the other hand, if they come through the merit system, I believe all would be qualified. Then we would have the possibility of entrenched political activity in the judiciary lessened.

THE CHAIRMAN: What is your question?

DELEGATE MITCHELL: Would you not think so? *(Laughter)*

DELEGATE MUDD: No, I do not think so, because the rule would not foreclose that possibility.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Delegate Mudd, section 5.02 fixes both the appellate and original jurisdiction of the court of appeals or fixes the appellate jurisdiction by law, the original jurisdiction by constitution. Section 5.05 says that both the appellate and original jurisdiction of intermediate appellate court can be fixed by law.

My question is why you prohibited the possibility of the legislature conferring