

State will be composed of a body of judges, presumably each judge assigned to that court, could you envision the judges transferring between levels?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: That is within the rule making power of the Court of Appeals.

THE CHAIRMAN: Delegate Grant.

DELEGATE MUDD: Temporary assignments of judges, yes.

DELEGATE GRANT: You do not feel their language precludes a superior court judge from sitting in district court by the fact that said "superior court shall be composed of," and "district courts shall be composed of"?

DELEGATE MUDD: In my judgment, no.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I cannot make out clearly, but I presume that this article will or will not continue the distinction between law and equity?

THE CHAIRMAN: I did not hear that. Will continue what?

DELEGATE GRANT: Will continue distinction between law and equity?

DELEGATE MUDD: Possibly, yes.

THE CHAIRMAN: Delegate Grant's question was whether the article continues the distinction. I take it he means whether it necessarily continues.

DELEGATE GRANT: Not necessarily.

THE CHAIRMAN: In other words, we could go to a unified system such as the federal system?

DELEGATE MUDD: Yes.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Another question I had was, you indicated that probably the department of probation and parole would come under the judiciary. Would you also visualize that departments of corrections would come under the judicial? I would indicate the prisons and reformatories and so forth.

THE CHAIRMAN: They are presently under the executive branch, you understand.

DELEGATE GRANT: That is correct.

DELEGATE MUDD: I would say not.

THE CHAIRMAN: Any further questions, Delegate Grant?

DELEGATE GRANT: I would say there was a report distributed to us indicating that there should be a combination of the Department of Probation and Parole and the Department of Correction in order to give a start-to-finish treatment.

You have just indicated you would favor part being under the judicial. Do I understand you want part under the judicial and part under the executive?

DELEGATE MUDD: The only discussion we have had in that area before was whether the Probation Department might appropriately be within the administrative responsibility of the courts. My answer to that was yes. The correctional in my judgment, at this time, just off the top of my head, would be no; but I stand to be corrected.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I have one further question.

Could you give me in round figures the number of circuit court cases per year, as opposed to the number of trial magistrate and peoples court cases per year, just in round figures?

DELEGATE MUDD: I do not have that information available here at the desk, Delegate Grant, but we have had a wealth of information furnished our committee, and if I may, I will see that you get it.

THE CHAIRMAN: Delegate Grant, I think you might obtain the information from the Convention library. The last report of the administrative office of the courts, which would give you the answer as to the superior court, and the report of the Bar Association Committee to which I referred, which would give you the information as to trial magistrates, peoples courts, et cetera are available there.

DELEGATE GRANT: Thank you.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: Mr. Chairman, Mr. Mudd has been at this now for a considerable period of time. There will be a great number of additional questions. I respectfully suggest we accord him the same privilege we accorded—

THE CHAIRMAN: I think, Delegate Scanlan, he would like to sit down and rest for more than that few moments. I hope the questions to him are very few.