

further questions, we will go over to tomorrow. I should add also if either of these delegates has a series of questions, I would prefer not to recognize them.

DELEGATE ARMOR: Just one, I am referring to section 5.11 on commissioners. Your suggestion is that they be appointed and prescribed by law in that appointment. Then they are going to work in the district court.

Should one of these commissioners not be competent with that joint responsibility, how would you dispose of them, or eliminate them, if they could not do their job properly?

DELEGATE JOHNSON: Hopefully since our proposal would provide for their selection to be established by law, we would hope it would be under some merit system. We understand, of course, that that would be controlled by the judge even though they may be appointed or selected—appointed is the correct word, in a manner prescribed by law.

We see no problem in this area. There is a case throughout the country. It is the case with respect to elected clerks of court on the superior court level. The consensus of testimony before us has been that the concurrence has worked extremely well and many judges would prefer it not be abandoned. There is also the feeling that many judges would prefer not to be involved in this matter of selecting commissioners and being responsible for rejecting certain ones and matters of this nature.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: It is entirely possible and in all probability the General Assembly will provide by law for the special courts such as tax courts or any other kind of court that would be contemplated within your phrase, "other courts" being added to 5.01, is that not so?

DELEGATE JOHNSON: So long as they remained an administrative, or quasi-judicial or quasi-administrative agency, I believe the legislature would continue to do so, yes.

DELEGATE CLAGETT: Under sections 5.07 and 5.09, if they become more than quasi-judicial, could they not be provided for and placed under either the superior court or district court and then those courts by the functional divisions give them specification or name?

DELEGATE JOHNSON: They could, but you must remember that in that event

the jurisdiction would have to be uniform throughout the State. So that take a case where you may want to have a tax court in Baltimore City, for instance, if you made it a functional division of the superior court or the district court, you would also have to extend that jurisdiction to every other superior court and district court throughout the State.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: The mere fact that they have the jurisdiction would not compel them to exercise it until it became necessary to do so, however, would it?

DELEGATE JOHNSON: You are absolutely right.

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

DELEGATE B. MILLER: Yes.

THE CHAIRMAN: Hold it until tomorrow. The Chair recognizes Delegate Powers.

DELEGATE POWERS: Mr. Chairman, I move the Committee of the Whole rise and report to the Convention that it has not concluded its consideration of Committee Report No. JB-1.

(Whereupon, the motion was seconded.)

THE CHAIRMAN: All in favor signify by saying Aye; contrary, No. The Ayes have it. It is so ordered.

(Whereupon, at 6:13 o'clock P.M., the Committee of the Whole rose, and the Convention reconvened.)

(The mace was replaced by the Sergeant at Arms.)

PLENARY SESSION

NOVEMBER 15, 1967—6:13 P.M.

PRESIDENT H. VERNON ENEY,
PRESIDING

THE PRESIDENT: The Convention will please come to order.

On behalf of the Committee of the Whole, the Chair reports it has had under consideration Committee Recommendation JB-1, that it still has it under consideration and desires leave to sit again.

Will all delegates who were absent at roll call this afternoon and desire to indicate their presence do so now.