

The Chair recognizes Delegate Johnson and requests he come forward to the reading desk.

The Chair recognizes Delegate Beatrice Miller, who had a question to put to Delegate Johnson.

DELEGATE B. MILLER: Mr. Chairman, I was going to ask the Chairman of the minority report if the minority had ever considered specifically the words in the model constitution in relation to the first section on which he has the minority report. In that, as I recall, the model constitution calls for such other lower courts as may be set up by law, or by rule, as not inconsistent with law.

Has there been any consideration of the specific wording of the model constitution?

DELEGATE JOHNSON: Yes, we did consider the wording of the model constitution, by the National Municipal League, and if my memory serves me correct, that wording did say something about the establishment of other inferior courts as provided by law.

We felt inasmuch as the district court would be the lower tier court, and because of the possibility of inferior courts putting us back in the magistrate court system that we now have, and apparently what everyone is trying to get away from, that that would not be correct, to say the establishment of inferior courts.

I think that I should also point out that there are no states, to our knowledge, that provide for a four-tier unified court system, and if you have a four-tier system you are really starting from the bottom and working up. Our amendment goes to the problem of what other special, or additional courts may or may not be needed. I do not know of any now, but inasmuch as we are writing this constitution for 50 or 100 years, the situation might develop; so other inferior courts probably would not be applicable with a four-tier court system that we would adopt.

THE CHAIRMAN: Are there any other questions of the minority spokesman with respect to sections 5.01 to 5.11?

Delegate Macdonald.

DELEGATE MACDONALD: Delegate Johnson, I intend to introduce an amendment to section 5.08 and section 5.10, on line 14 of page 3 and one line 41 of page 3, which would in effect provide for functional divisions to be established as prescribed by rule or by law.

If that amendment were acted on favorably, would you feel that your amendment to which you are addressing yourself now would be unnecessary?

DELEGATE JOHNSON: Let me answer it in this way:

I am sympathetic, if not in favor, and I am probably in favor with the amendment that you propose, but it really does not answer the question of special courts, such as the possibility of establishing a single tax court.

I do not know whether or not these particular special courts will ever be needed, and I do not know whether or not any other special courts will be needed. We just felt that perhaps, in writing this constitution, we would want to allow for the flexibility.

Let me be perfectly frank in saying that, as of this time, I believe that a unified judicial court system, a four-tier court system, particularly with the provision that the functional divisions will be determined by rule or by law, will answer all the immediate problems of Maryland. Yes, they will. I can not predict what will happen twenty-five or fifty years from now, and we wanted to allow that flexibility or that latitude, if in fact the legislature in its wisdom at that time determined that some other court might be necessary.

May I also answer the question by saying that when you provide for functional divisions in the district court or superior court you, of course, mean that each and every court in each and every county or in each and every district will have the same jurisdiction, so that otherwise you will not have a unified judicial court system.

It is just a question whether or not you would want to have all the courts handle such specialized matters as tax or labor; and whether or not they want to assume the responsibility within their functional divisions.

I think it would work that way. I think it would be all right, but to come right back to the problem of whether we can anticipate future needs, I think that our amendments will take care of that. I can not be any more specific than that, but it is necessary now, though it may be necessary in the future.

THE CHAIRMAN: Are there any other questions of the minority spokesman?

Delegate Mitchell.

DELEGATE MITCHELL: Mr. President and Delegate Johnson.