

which ended in our creating a court of special appeals to take care of certain matters.

Judge Albert Menchine, in his wisdom, and he is a wise man, came before the Committee and asked us not to restrict the courts. There may be fields other than the field of crime that may need courts of special appeals.

That was sent to the voters, Mr. President, and you know what the answer was.

We gave the legislature the right to increase or add other courts to the court of special appeals.

I just wanted to leave that with you.

Now, Mr. President, I want to talk about something else. Yesterday I asked a question concerning what this is going to cost, and I had the understanding that I would know in writing what the additional cost will be to the taxpayers of the State of Maryland.

I was a little bit late here this morning and I have checked over my papers on my desk and now I would like to ask the Chairman if he will tell me if it had been prepared, what the cost of this court reform is going to be.

It might not be important to you people here in the Convention. Many of you are one-timers. But it is important—

THE CHAIRMAN: Delegate Malkus, you have one-half minute.

DELEGATE MALKUS: Thank you, sir. I can finish within that time.

I think it is important that we know in writing, and that we will establish into the record what this is going to cost.

I finish by asking the Chairman when we might expect that written report?

THE CHAIRMAN: Is there any other delegate desiring to speak in opposition to the amendment?

DELEGATE CASE: Mr. Chairman, ladies and gentlemen of the Committee, since at least two courts that I had something to do with establishing in this State have been discussed in debate, and since there has been misinformation given to you about both of them, I think the time has come to set the record straight.

The argument has been made that if the word "exclusively" is left in as proposed by the Committee the legislature would be

hamstrung to establish other and different tribunals to deal with special subjects.

I submit to you that this is just not so. The present Constitution, while it does not use the word "exclusively", implies as much, because it states in fact, where the judicial power shall lie and it says "the judicial power shall be the Court of Appeals, Intermediate Appellate Courts, Orphans' Courts, and such courts in the City of Baltimore as are hereinafter provided for."

This is a direct quote from the present Constitution, and yet, when it was necessary to establish a tax court, or the Public Service Commission, no one thought it was necessary to amend the Constitution to do this. As a matter of fact, I prepared the legislation which set up the tax court, and the Commission which I headed conceived the idea. It was passed during Governor Tawes' administration. This is a statutory court and I submit to you that the General Assembly, even with the word "exclusively" in this particular draft, would still have the power to set up bodies which will be determinative bodies but which will not have the judicial power. This is the important thing.

So there is just nothing to this argument that the legislature will be hamstrung, will not be able to meet the needs of her citizenry if this wording is in the Constitution.

With reference to Delegate Malkus, he is not here now, I hope he had better luck shooting geese than he did on his first speech this morning, because it is just not so that the Constitution and the statutes implementing the Intermediate Appellate Court, which I drafted, provide that the legislature can establish new courts. It does not say that.

What it says is that the legislature can enlarge the jurisdiction of the present Intermediate Appellate Court; the Intermediate Appellate Court is set by the Constitution. Its jurisdiction is delineated by the legislature.

THE CHAIRMAN: You have one-half minute, Delegate Case.

DELEGATE CASE: This is as it should be. This is what the draft contemplates.

Now, I suggest to you ladies and gentlemen that the word "exclusive" is an important word. It will insure the integrity of the four-tier system and does not depart appreciably from what we have today. I urge that the amendment be defeated.

THE CHAIRMAN: Does any other dele-