

tion JB-1, which, as it is before you, would strike the word "exclusively" in line 11, and add the words "and other courts that may be provided by law," in line 14.

A vote Aye is a vote in favor of No. 1. A vote No is a vote against. Cast your votes.

Has every delegate voted?

Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 37 votes in the affirmative and 87 in the negative, the motion is lost. The amendment is rejected.

Is there any other amendment to section 5.01?

I believe the clerk has it.

THE CHAIRMAN: Delegate Mentzer?

DELEGATE MENTZER: I wonder if it is possible for the Chair to tell us the number of abstentions on that vote. Is that available at the Chair?

THE CHAIRMAN: Yes, indeed.

The number nonvoting, which would include abstentions — I have no way of telling how many were present and abstained — was eighteen.

Delegate Carson, do you desire to offer the amendment?

DELEGATE CARSON: Mr. Chairman, I would like to move my amendment at this time, which is No. —

THE CHAIRMAN: This will be Amendment No. 2. The Clerk will read the amendment.

READING CLERK: Amendment No. 2 to Committee Recommendation JB-1 by Delegate Carson: on page 1 section 5.01 titled Judicial Power line 13, strike out the word "Superior" and insert in lieu thereof the word "County"; and in all other places where the term "Superior Court" appears in Article V insert in lieu thereof the term "County Court."

THE CHAIRMAN: Is the amendment seconded.

*(Whereupon, the amendment was duly seconded.)*

THE CHAIRMAN: The amendment is seconded by Delegate Cardin. The Chair

recognizes Delegate Carson to speak in favor of the amendment.

DELEGATE CARSON: Mr. Chairman, ladies and gentlemen, the amendment before you would have the sole effect of changing the name of the superior court to that of county court throughout the constitution.

It has no effect whatsoever upon the judicial system and would not in any way affect anything else in this article or any other article. It is not an amendment in substance, but solely one of name and convention.

I do not like the words "superior court." I think they have very little meaning. On the other hand, the traditional Circuit Court now has no meaning because there will be no circuits whatsoever, as I understand it, at this level in the four-tier system, and therefore I suggest and move that we substitute the name county court instead of superior court.

It may seem inconsistent to call it a county court in light of the fact that there will only be one court throughout the state.

THE CHAIRMAN: Just a second, Delegate Carson.

Will the Committee of the Whole please come to order and will delegates please take their seats?

You may proceed, Delegate Carson.

DELEGATE CARSON: It may seem possibly inconsistent to call this court, which will only be one court existing at this tier throughout the State by the name county court, but on the other hand, I think the words "county court" have a meaning in other states and I think it would have a clear meaning to the people of this State, that this is the court in each county in which there will be a resident judge and which will be sitting for the county. I think the jurisdiction and the venue of each county relating to the division of the court at that level sitting there makes this possibly a reasonable solution, and therefore I suggest and move the words "county court" instead of "superior court".

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Mudd?

DELEGATE MUDD: Mr. Chairman, I rise to speak in opposition to the amendment.