

sister, Mrs. Phelps, to observe the session today.

THE PRESIDENT: Delighted to have them.

(Applause.)

DELEGATE MITCHELL: Mr. Chairman.

THE PRESIDENT: Delegate Mitchell.

DELEGATE MITCHELL: Mr. President, I would like to welcome in behalf of the Convention Dr. Lilly M. Jackson, President of the Baltimore Branch of the N.A.A.C.P., who happens to be my mother, and 35 years ago, when Senator Beall was a member of the legislature, started the effort to repeal the intrastate Jim Crow laws; Dr. Jackson.

THE PRESIDENT: Delighted to have you.

(Applause.)

THE PRESIDENT: Delegate E. T. Miller.

DELEGATE E. MILLER: May I report my presence? I was late for roll call.

THE PRESIDENT: Delighted to have you here also. Roll call.

(Whereupon, a roll call was taken.)

THE PRESIDENT: Has every delegate answered roll call?

(There was no response.)

The Clerk will record the roll call.

Are there any other announcements?

The Chair recognizes Delegate Powers.

DELEGATE POWERS: Mr. President, I move the Convention resolve itself into the Committee of the Whole for the purpose of resuming consideration of Committee Recommendation JB-1.

THE PRESIDENT: Second?

(The motion was duly seconded.)

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

(Whereupon, at 2:06 P.M. the Convention resolved itself into the Committee of the Whole.)

(The mace was removed by the Sergeant-at-Arms.)

COMMITTEE OF THE WHOLE

NOVEMBER 16, 1967—2:06 P.M.

PRESIDENT H. VERNON ENEY,
PRESIDING

THE CHAIRMAN: The Committee of the Whole will please come to order.

Prior to recess we were about to consider an amendment to section 5.03. This was an amendment we passed over earlier. It will be Amendment No. 4. 5 was the last one but we passed 4. This is Amendment No. 4. The Clerk will read the amendment.

READING CLERK: Amendment No. 4 to Committee Recommendation No. JB-1 by Delegates Storm and Singer: On page 2 section 5.03 Composition of Court of Appeals in line 4 after the word "of" add the words "no fewer than".

THE CHAIRMAN: Is the amendment seconded?

(Whereupon, the amendment was duly seconded.)

THE CHAIRMAN: The Chair recognizes Delegate Singer to speak to the amendment.

DELEGATE SINGER: Mr. Chairman, ladies and gentlemen of the Convention: this amendment is designed for the sole purpose of eliminating the number of judges to sit on the Court of Appeals; that it be fixed in the Constitution and allowing for an increase in the number of judges to six should the need arise.

The Constitution of 1867 provides for eight judges on the Court of Appeals, with four constituting a quorum. This was changed in 1944 to a total number of five judges on the Court of Appeals, of which three constituted a quorum. This was again changed in 1960 to provide for an increase in the number of judges to seven, with five being a quorum, the present system under which we operate.

It is obvious from the Committee draft that the intermediate court of appeals is conceived to be expanded or have its jurisdiction expanded so as to take part of that burden away from the Court of Appeals in the future, with the increasing case load on the court.

It is our intention by this amendment to increase the flexibility so that if need should arise beyond that time for additional judges on the Court of Appeals a con-