stitutional amendment will not be necessary. Under the Committee recommendation, the functions and duties of the chief judge of the Court of Appeals will also be such as to curtail severely the time which he will be allowed to participate in the Court of Appeals and its decision-making process, so that we essentially have six full time judges on the Court of Appeals should the Committee recommendation be adopted.

It is for this reason, and the flexibility which it would provide, that the amendment is submitted here for your support.

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

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee of the Whole, I rise to speak in opposition to the amendment. The facts cited by Delegate Singer in support of his amendment regarding the change in the size of the Court of Appeals all occurred prior to the creation of the speal court of appeals, now to be known as the intermediate court of appeals.

Our research in Committee convinces us that the Court of Appeals is intended as a court of last resort to sit as a single court and not in panel.

Seven seems to be the ideal number, based on statistics available from all other states in the union. Only five states of the fifty have more than seven judges on their Court of Appeals or court of last resort, and in those five states, the number is nine. 80 per cent of the States in the Union have from five to seven judges on the Court of Appeals, or the court of last resort.

If this highest court in Maryland is to function as we propose by our majority recommendation as the court of last resort in the State, and retain its appellate powers, with the limit to original jurisdiction as prescribed in the constitution, it is the considered judgment of the Committee that it can best function as a seven-man court, and without any increase in the number of judges. We therefore oppose the amendment.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment? Delegate Storm?

DELEGATE STORM: I realize that with the new intervening court and the flexibility that that has that there is a chance that the court will be able to handle the appellate cases without an imposition on the highest court. Those gentlemen at the present time, I think, are among the hardest working people in the State, and as Maryland grows, and as we have heard in the last few days, how our population will explode continuously, especially as some of the smaller counties strive for better representation, and emphasize not having birth control, there will be so many people going into the courts, that I am afraid if we have one Court of Appeals to be the ultimate body, there may come a time in the future when, to keep these judges from being overworked, they should add a few more. I will admit that the amendments made to this article in the past, in my lifetime, came before the intermediate court was established but if this constitution is going to serve this State for so many years in the future, then unless the authority of the Court of Appeals is going to be diluted and most of the cases decided in the intermediate court, and I expect this to a certain degree. still I believe the Court of Appeals should have the right to go to the legislature without a constitutional amendment and say we need a couple of more. Right now I think they have been overworked, so I am just pleading for fair labor practices for the appellate court. Thank you.

THE CHAIRMAN: The Chair recognizes Delegate Henderson to speak in opposition to the amendment.

DELEGATE HENDERSON: Mr. Chairman, fellow delegates, I might almost say that I am arising on a point of personal privilege because I did have the privilege of sitting on the eight-judge court prior to 1944, on the five-judge court, the seven and the six and again on the seven-judge court before my retirement.

I want to say, without any qualification, that I regard a seven-judge court as the maximum number of judges that can properly confer and lay down the law for the State. It seems to me anything more than gets into the workings of Parkinson's law, and the work increases in proportion to the number of judges. You either do that, the additional time that is taken in conferring, or you go to a panel system, in which the one hand doesn't know what the other hand is doing, and it is a very unsatisfactory system.

Now on the other hand, the panel system in the intermediate court is quite workable and quite acceptable because you have the stop-gap there, the saving clause, that the cases can be reviewed on certiorari, so if there is any difference betwen the