

we mean it to, and nothing else, and that is to have the Court of Appeals not over-worked.

THE CHAIRMAN: Does any other delegate desire to speak in opposition? Delegate Beall.

DELEGATE BEALL: Mr. Chairman, I rise to ask Delegate Henderson a question.

THE CHAIRMAN: Does Delegate Henderson yield to a question?

DELEGATE HENDERSON: Yes.

THE CHAIRMAN: Delegate Beall.

DELEGATE BEALL: If I understood you, Judge Henderson, you were a member of the court when it was eight?

DELEGATE HENDERSON: Yes.

DELEGATE BEALL: I remember very vividly when there used to be five. As a matter of fact, it came down. You recommended a reduction to five. The entire court recommended a reduction to five. Then later it increased to seven. Why was that?

DELEGATE HENDERSON: The reason it reached seven, I think had rather a long history.

The Bar Association plan, which was proposed by a number of others, including President Eney, was defeated, and as a substitute for that it was to set up an intermediate court of a somewhat different type from the present one; but at any rate, as a substitute the Bar Association in a commission that was headed, I believe, by Delegate Case, recommended that it be enlarged to seven and given criminal jurisdiction, and that was put through by constitutional amendment.

Then subsequently that proved to be inadequate to keep up with the load so they introduced the intermediate court, which is given the criminal jurisdiction. We now have the opportunity to enlarge the intermediate court, rather than to enlarge the upper court, which I think is a very satisfactory working arrangement.

THE CHAIRMAN: Delegate Beall.

DELEGATE BEALL: Then as I understand it, you would rather, or you want to have the court of appeals stay as it is at seven, and increase, if necessary, the intermediate court?

DELEGATE HENDERSON: That is it exactly.

DELEGATE BEALL: Thank you.

THE CHAIRMAN: Is there any further discussion?

Are you ready for the question?

The question arises on the adoption of Amendment No. 4 to Committee Recommendation JB-1. A vote Aye is a vote in favor of Amendment No. 4. 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 10 votes in the affirmative, and 117 in the negative the motion is lost. The amendment is rejected.

We now revert to section 5.06: Were there any further amendments to section 5.06?

The Chair hears none.

Are there any amendments to section 5.07? The Chair hears none.

We have a number of amendments to section 5.08.

There are apparently four amendments to this section of which the Chair has knowledge. Some of them go to the same point, others to a different point.

The Chair will try to put them in such an order that you will have an opportunity to consider all.

Will the pages please distribute the amendment marked AQ by Delegate MacDonald? This will be Amendment No. 6.

The Clerk will read the amendment.

READING CLERK: Amendment No. 6 to Committee Recommendation No. JB-1 by Delegate Macdonald: on page 3 section 5.08 Composition of Superior Court line 14 after the word "by" insert the words "law or."

THE CHAIRMAN: Is there a second to the amendment?

DELEGATE GLEASON: Second the amendment.

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

DELEGATE MACDONALD: Mr. Chair-