

tutional amendment, the municipal court and the peoples court, that the General Assembly gave each of those courts by constitutional amendment the very thing we are talking about here to do by rule. In the municipal court by rule they have several functional divisions, the traffic court, the housing court, and the general criminal court. In the peoples court of Baltimore City they also have by rule, which has been created, incidentally, by the court, several functional divisions. They have their rent court, a tort court, and a contract court, and any other matters relating to property.

Now, I can conceive that this is a suggestion, and I must add, the entire Committee agreed on this—we had very little dissent, if any, on this particular point—that functional divisions are things which are solely within the administrative power of the court, and for that reason, I would oppose the amendment.

THE CHAIRMAN: For what purpose does Delegate White rise?

DELEGATE WHITE: Mr. President, I wish to address a question to the Chairman, Delegate Mudd.

THE CHAIRMAN: Let me find out if anyone desires to speak in favor first.

Does anyone wish to speak in favor of the amendment?

*(There was no response.)*

If not, Delegate Mudd, do you yield to a question from Delegate White?

DELEGATE MUDD: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate White.

DELEGATE WHITE: This question arose out of recent experience in Baltimore City. It does not particularly deal in the area of whether it is functional or not, but it possibly addresses itself to the question of the sharing of a particular right of power with the legislature.

As the result of an incident in Baltimore, I had a discussion with the chief judge of the municipal court, and he indicated to me that when a judge walks through the door and takes his seat, he is autonomous, and I am a bit concerned as to whether this is an effort to retain this autonomous right of the judiciary, or a move toward sharing it.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Of course, it is necessary that a judge be able to act effec-

tively in the area of his jurisdiction, Delegate White, and if your question is somewhat along the line of that of Delegate Bushong, I would say if it is overly exercised or not properly administered then the redress would be removal or retirement under another section of this article.

THE CHAIRMAN: Delegate White.

DELEGATE WHITE: In that section do we deal with the question of taking action where a judge has acted improperly?

THE CHAIRMAN: In a later section.

DELEGATE MUDD: I suggest you read that.

THE CHAIRMAN: Are you ready for the question?

*(Call for the question.)*

The question arises on the adoption of Amendment No. 6. to Committee Recommendation JB-1.

A vote Aye is a vote in favor of Amendment No. 6. A vote No, is a vote against. Cast your vote.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 81 votes in the affirmative and 52 in the negative, the motion carries. The amendment is adopted.

There are three other amendments to this section. A question could arise as to whether by reason of the action on the successive amendments that one action made on consideration of another amendment improper. Following the procedure last week, I will call up the amendments in order which I think will give you an opportunity to consider all of them.

Will the page please distribute the amendment marked AO, Delegate Bamberger? This will be Amendment 7. The Clerk will read the amendment.

READING CLERK: Amendment No. 7 to Committee Recommendation JB-1, by Delegate Bamberger: On page 3 section 5.08 Composition of Superior Court in lines 11 and 12 strike out the sentence reading "There shall be at least one Superior Court judge resident in each county."

THE CHAIRMAN: Is the amendment seconded?

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