

DELEGATE CHABOT: Certainly.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: The concept we are trying to get at in this is that each county shall have a court. If you just say a superior court judge shall sit regularly in each county this does not imply the county would necessarily have a court whereas if you have the other language, "who shall preside over the superior court in that county," it makes it very definite that there shall be a superior court in that county.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: I find it difficult to see how a judge can sit regularly in the county without that court being in the county. For that reason, I suppose that I must maintain my amendment. I suggest that this will provide the opportunity for the judge who is resident in the county to sit elsewhere at various times in the State and to permit those who assign the judicial personnel to assign some other judge to that county at certain times.

It will permit the assignment of other judges when the judge who is resident in the county is indisposed for one or another reason. In either event, whether you take my amendment or take Amendment No. 8, although neither of them will make for the complete tidiness that was suggested by Amendment No. 7, I think that either Amendment 8 or 9 will facilitate the judicial process at the places where it is needed by the people. I suggest that is a consideration that we should keep before us to a great extent in considering this article.

THE CHAIRMAN: Does any delegate desire to speak in opposition to Amendment No. 9? Delegate Grant.

DELEGATE GRANT: Delegate Chabot, will you yield for a question?

THE CHAIRMAN: Does Delegate Chabot yield for a question?

DELEGATE CHABOT: Yes, sir.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I think it is mainly a matter of draftsmanship. Would you be willing to modify your substitute to say a superior court judge shall sit regularly over the superior court in each county.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: I agree to that amendment.

THE CHAIRMAN: Does the seconder accept the modification of Amendment No. 9?

DELEGATE BENSON. I second it.

THE CHAIRMAN: Do you accept the modification?

DELEGATE BENSON: Yes.

THE CHAIRMAN: Modification as the Chair understands it is in line 4 after the word "regularly," was it, Delegate Grant?

DELEGATE GRANT: Yes, regularly over the Superior Court in each county."

THE CHAIRMAN: Would you not say sit in rather than sit over?

DELEGATE GRANT: Yes, sit in.

THE CHAIRMAN: Modification of Amendment No. 9 as made by the sponsor and accepted by his seconder is in line 4 after the word "regularly", insert the words "in the superior court" so that the language would then read "A superior court judge shall sit regularly in the Superior Court in each county." With the modification that — for what purpose does Delegate Clagett rise?

DELEGATE CLAGETT: Mr. Chairman, I am in complete accord with Delegate Grant.

THE CHAIRMAN: For what purpose do you rise?

DELEGATE CLAGETT: The purpose of suggesting a clarification to get exactly at the intent of these two motions which really do not quite hit the point on the head. I think we could very easily do it by simply inserting in line 11 "There shall be" —

THE CHAIRMAN: Line 11 of what?

DELEGATE CLAGETT: Of section 5.08.

THE CHAIRMAN: Proceed.

DELEGATE CLAGETT: In the original, after the word "be" in line 11, "There shall be a Superior Court and at least one Superior Court judge resident in each county".

THE CHAIRMAN: Delegate Grant shakes his head. I take it Delegate Chabot is shaking his head negatively. They do not accept your suggestion. For what purpose does Delegate Schneider rise?

DELEGATE SCHNEIDER: To speak against Amendment 9.