

It is my information, however, from the testimony before the Committee that some employees perhaps of the clerk's office or register of wills office are under the city merit system, is that right?

THE CHAIRMAN: Delegate Hargrove, Delegate Mudd addressed a question to you. Can you answer it?

DELEGATE HARGROVE: The employees of the people's court of Baltimore City are under the merit system. I might add the constitution provides for the appointment of all employees of that court by the chief judge of the court.

In the municipal court of Baltimore City, also, all of the employees are under the Baltimore City merit system and again I believe the Constitution provides for the appointment of clerks and court officials by the judge of the court.

THE CHAIRMAN: Do you have further questions?

DELEGATE KEY: No.

THE CHAIRMAN: Is there any further debate?

Delegate Willoner?

DELEGATE WILLONER: Mr. Chairman, I sadly rise, I guess, to support the Committee position and in opposition to the minority's amendment.

It seems to me the issue here, unlike the other issues we decided today, is not the issue of whether or not this is a power grab by the courts, but whether or not we can improve what is the single worst situation in our courts in Maryland today.

There is no area that needs more reform than the J.P. system we have. The condition could have been remedied in the last hundred years. It has not been. This is an attempt to do so. Given the very limited jurisdiction of the commissioner, it seems to me, it would be a safe approach to permit the district judge to appoint the commissioners in his district.

THE CHAIRMAN: Time on the debate schedule having just about expired, there being only a minute or two—

Delegate Kahl, do you desire to speak?

DELEGATE KAHL: In favor of the amendment, yes.

THE CHAIRMAN: Just a second. You have two minutes.

DELEGATE KAHL: I want to emphasize it is not our intention to strengthen

one branch so much we set it completely away from our system of checks and balances. I think the Committee's recommendation is pecking away at our system of checks and balances and the public as well.

I would like to point out also that in the Committee's recommendation the commissioners serve at the pleasure of the chief judge. Commissioners are not committing magistrates; these are new jobs.

The only thing our amendment is trying to do is give them tenure. They might, they probably will be under the merit system. They should not be at the disposal of the judge to appoint and dismiss at his pleasure.

THE CHAIRMAN: The opposition has two minutes. Does any delegate desire to speak in opposition?

DELEGATE GALLAGHER: Mr. Chairman, ladies and gentlemen, I think in opposing the amendment, I should point out that the level of the judiciary which most people encounter during their lives is this particular plateau. It would seem to me that we should guarantee our service, that the impression of the judiciary which people meet at this particular level should be a good one. I think in order to do that we have to eliminate the political patronage system which now goes hand in hand with this particular level of the judiciary.

Consequently, I would urge that the control of the appointment not be placed in the hands of the General Assembly where the jobs are parceled out on a patronage basis and where the individual pressure from the individual legislator who has so many appointments of committing magistrates can interfere with the due process of justice.

I would submit it is a far better thing to remove from the political arena this particular aspect of the judicial activity and put it in the hands of disinterested parties. For that reason, I would urge defeat of the amendment.

THE CHAIRMAN: The time allowed for debate under the schedule having expired we are ready for a vote. Before taking the vote, I ask the Clerk to sound the quorum bell.

For what purpose does Delegate Gilchrist rise?

DELEGATE GILCHRIST: Point of personal privilege.

THE CHAIRMAN: State the privilege.