

modest other jurisdiction along the same line.

I want to emphasize that in our whole four tier system, the legislature is given complete power over the jurisdiction of every single layer.

We do not propose that they be given unlimited power with regard to the commissioners, but we do propose that there be some expanded ability within the concept as set forth in the majority report.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: I must rise in opposition to this amendment and fear that what I have to say will sound like a broken record. However, this provision proposed by Amendment No. 19 to allow the legislature to prescribe by law the exercise of other powers by these commissioners is contrary to the concept of the court structure as envisioned by the Committee on the Judicial Branch.

I do point out to the proponents, Delegates Hardwicke and Grant, that the word, similar, is not in the amendment. Even if it were, I do not feel it would help a great deal.

The problem here, as we see it, is that the role of the commissioners in the court structure we contemplate is a limited role. If the legislature is allowed to assign responsibilities, duties and powers to these commissioners over and beyond the strict limitations contemplated within the language adopted, and as provided by rule by the courts, the court structure can be weakened and judicial power can end up in the hands of non-lawyers, which is entirely contrary to the whole concept of this recommendation by our Committee.

Therefore, I must urge you, with all sincerity again, to vote against this amendment.

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

DELEGATE BENNETT: Mr. Chairman, members of the Convention, if we are to uphold respect for the law on the part of the public, we have to improve the caliber and prestige of the commissioners where the public purse comes in contact with them as when bail is set, and we cannot improve the caliber of the commissioners unless we find some way to raise

their salaries. It seems to me that the legislature is not going to do that unless we can find some way of at least granting the legislature power to give them some additional duties, as for instance, assigning them the power to take depositions, or to act as examiner when this is agreeable to both sides of the case, or as a hearing officer now and then. That could be done by the legislature at a time it prescribes its duties.

It seems to me of paramount importance that we uplift the commissioners, give them the facilities they need, and the dignity that is required to gain public respect for the law. Incidentally, may I say with regard to the U. S. Commissioners, that that is precisely what Senator Tidings of this State is seeking to accomplish through a new law he has introduced, approved by the Senate, that would permit the assignment of additional duties. I have grave doubt that the legislature would frustrate the four tier court by being allowed to say what the commissioners can do.

I, therefore, hope that this amendment will be approved.

THE CHAIRMAN: Does any delegate desire to speak in opposition to the amendment?

*(There was no response.)*

Are you ready for the question?

Delegate Dukes.

DELEGATE DUKES: Will Delegate Hardwicke yield for a question?

THE CHAIRMAN: Delegate Hardwicke, do you yield to a question?

DELEGATE HARDWICKE: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Dukes.

DELEGATE DUKES: Delegate Hardwicke, as I read the provision as now amended, it would appear that the matter, "and then only as prescribed by rule," refers not only to the specified magistrates but also those prescribed by law.

DELEGATE HARDWICKE: Yes.

DELEGATE DUKES: The legislature could set forth new duty, but it would still be prescribed by rule as to how it would be exercised?

DELEGATE HARDWICKE: That is very definitely my intention. In other words, even though the legislature should add an