

Delegate Malkus, Delegate Clagett has moved to reconsider the vote by which Amendment No. 18 was adopted. His motion has been seconded. The Chair now recognizes him to speak to the motion to reconsider.

Delegate Clagett.

DELEGATE CLAGETT: Mr. Chairman, in section 5.10 titled Composition of District Court lines 29 and 30 show that the district court shall be composed of the number of judges prescribed by law.

That means in the most simple language that the General Assembly determines where and when a district court shall be needed, and the number of judges to man it adequately.

It further goes on to provide that the State shall be divided by law into districts, and there again, the responsibility rests with the General Assembly to accomplish that division of the State into the districts that are needed.

We have there the degree of public policy to be determined by the body that should determine that public policy.

I feel that by our vote, 69 to 60 in favor of Delegate Malkus's amendment, we have attempted to substitute our judgment for the judgment of the General Assembly and without adequate consideration of all of the factual matter that would be available to it and which has not been available and digested by this body.

In particular we have failed to take into consideration the very lengthy investigation and excellent report that was made by the Maryland State Bar Association, through its committee headed up by Delegate Case, when this very matter was considered and was reported on by that Committee, and considered by the bar itself at its annual convention in Atlantic City, and the report of that committee adopted unanimously by some 400 or more lawyers there assembled.

It points up that sometimes we take action in support of a person or a personality whom we admire and enjoy and where we feel that there is going to be no damage done by casting the vote in that direction and for those reasons.

However, here we see pointed up—

THE CHAIRMAN: You have one-half minute, Delegate Clagett.

DELEGATE CLAGETT: I point out, leaving that thought because it needs no

further amplification, if we let this amendment stand, and if we impose a district judge in each county, along with a superior court judge, we have in some of the counties unnecessary judicial material each receiving a salary of \$30,000. It reflects upon the quality of the judiciary, it reflects upon the stature and standing of the individual. We do not need it. The General Assembly can adequately provide for it when the time comes.

I ask you to carefully reconsider your vote and leave this matter with the General Assembly as recommended by the majority view of the Committee.

THE CHAIRMAN: The Chair recognizes Delegate Malkus.

DELEGATE MALKUS: Will the gentleman yield?

THE CHAIRMAN: His time has expired, Delegate Malkus.

DELEGATE MALKUS: You are generous, Mr. President. You have given him a little time.

THE CHAIRMAN: In the absence of objection and if Delegate Clagett yields the Chairman will permit the question.

DELEGATE CLAGETT: I yield, though one never knows what is coming.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: The gentleman from Prince George's County does complement me well. Did you also agree that the General Assembly of Maryland decide how the judges are to be selected?

THE CHAIRMAN: Delegate Clagett?

DELEGATE CLAGETT: No, sir.

THE CHAIRMAN: Delegate Malkus, do you have a further question?

DELEGATE CLAGETT: And for what reason not?

THE CHAIRMAN: Delegate Clagett?

DELEGATE CLAGETT: I would reserve that for a time when I have more time.

THE CHAIRMAN: Delegate Malkus.

DELEGATE MALKUS: I am sure, Mr. President, that you will give your colleague and close associate all the time that he needs, and I would like to have him express himself now.