

1 the paramount power to the Courts in a much more absolute  
2 sense than the Maryland version that we proposed here and  
3 has been worked out in the past. Dean Wigmore, Dean Pound  
4 and the great Dean Vanderbilt, the great legal reformers  
5 of the past generation and the scholars all argued very  
6 strongly for an absolute and paramount power in the courts.

7 We on the Committee have not gone that far  
8 because, in view of the particular Maryland experience,  
9 we have not deemed it necessary to go that far to get  
10 the results that they would like to get, and I think that  
11 the suggestion of the Committee embodying the unique  
12 Maryland experience makes a very significant contribution  
13 in striking a very sensible balance between all these con-  
14 siderations that have been discussed in the Commission  
15 today.

16 THE CHAIRMAN: Any further discussion? Mr. Sayre?

17 MR. SAYRE: If the Legislature -- I wouldn't  
18 want the Legislature to get into the practice of procedure,  
19 as I understand that, but if it borders on the substantive  
20 and the Court determined that it was right, could the  
21 Legislature take the Court to court?