

ble to the public. Many of these duties should be placed in another office. The court clerk is an administrator. I think he should be appointed by the court and responsible to the courts.

THE CHAIRMAN: Delegate Darby.

DELEGATE DARBY: You are saying you will set up two different types of clerks?

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: As far as the courts are concerned, only one. I think it would be advisable to have an official, I suggest an elected one, who would be the highest elected resident official in that county, who could handle the recording, the marriages and the selling of licenses and many things that have been put on the court clerk, because there was no one else to do them.

THE CHAIRMAN: Delegate Churchill Murray.

DELEGATE E. C. MURRAY: Delegate Dulany, I understand that it is your proposal that there be—

THE CHAIRMAN: Delegate Murray, we cannot hear you.

DELEGATE E. C. MURRAY: Do I understand that it is your proposal that there be two employees, one who is truly a clerk of the court and the other who will assume those duties which have gradually been put into the hands of someone who is now known as the clerk of the court?

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: That is correct.

THE CHAIRMAN: Delegate C. Murray.

DELEGATE E. C. MURRAY: And there are endless duties that that person performs as you enumerated.

THE CHAIRMAN: Are you asking a question now, Delegate Murray?

DELEGATE E. C. MURRAY: I am trying to formulate it.

THE CHAIRMAN: Delegate Key.

DELEGATE KEY: Delegate Dulany, I would like to know since we have gone into a merit system for appointing judges if it is not possible that the legislature might choose a merit system of appointing the clerk rather than the elected system as you assume.

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: I think the merit system could very well be applied to the court clerk's office.

THE CHAIRMAN: Are there any further questions of the minority spokesman?

Delegate Needle?

DELEGATE NEEDLE: I am inclined to support the minority spokesman's position here but you alluded to differences between elected clerks and judges. Could you elaborate briefly on matters in which elected clerks could obstruct justice?

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: When you have an employee who is working for you who is chosen by someone else who works as closely as a court clerk does with a judge and there are personality differences, I can attest to this on several occasions where I know this has occurred.

The judge has to live with the elected clerk until the next election, whereas if he has a clerk that he has appointed he can select someone who he feels better qualified perhaps or not, or at least someone with whom he can work in an easy manner.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: Have you given any consideration to the amount of time that the present clerks of the court attend to court work and the amount of time that they devote to the other work of their office?

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: Judge, I made no study of it, but I do know from personal observation that in some courts the elected clerks do very little with respect to the court administration and in other courts they do a lot.

In our county, I believe our elected clerk does very little in connection with the court work. As I recall the testimony, the smallest clerk's office in the state has three or four employees in addition to the clerk himself.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: So that your provision would provide that where there is one clerk now doing all the work, a small portion of which is connected with court work, it would provide for two clerks, one to do the court work and the other to do the recording and the issuance of licenses and so forth?

THE CHAIRMAN: Delegate Dulany.