

this matter has in effect been twice debated. I feel that the facts of the matter have been substantially presented and perhaps re-argued to this Committee of the Whole.

I do make the final observation that our Committee has brought to you the best we can do with a difficult article. We have so far enjoyed the support of the majority of the delegates here. We feel that the recommendation herein contained to leave to the legislature the manner of the selection of the clerk of the court in the county with the multitude of duties is the efficient way to handle this phase of our Recommendation to the Committee of the Whole.

We accordingly ask you to vote against the proposed amendment and in that way sustain the Majority Report which comes to you, I respectfully suggest, with the presumption of representing the majority view of our Committee which has given undue time to this matter.

May I release the rest of the controlled time?

THE CHAIRMAN: Any other delegate desire to speak?

Delegate Singer.

DELEGATE SINGER: I have a question of Delegate Dulany.

THE CHAIRMAN: Delegate Dulany, will you yield to the question?

DELEGATE DULANY: Yes.

THE CHAIRMAN: Delegate Singer.

DELEGATE SINGER: If your amendment is adopted for a suggestion as to a non-judicial clerk is carried through and his functions are delineated by law, should not the functions or duties of the judicial clerk also be set forth by law to be consistent?

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: I believe that the judicial administrative duties of the clerk should be as prescribed by rule because I think they are operating under the judges who appoint them. They are part of the judicial system. It may be that there should be some additional functions that would be assigned to them by law. I do not think this would prevent their being assigned some functions by law. It says they perform duties prescribed by rule but they still perform duties prescribed by law.

THE CHAIRMAN: Delegate Singer.

DELEGATE SINGER: They could perform duties assigned by law in addition to those assigned to them by court?

THE CHAIRMAN: Delegate Dulany.

DELEGATE DULANY: That would be my interpretation.

THE CHAIRMAN: Any other delegate desire to speak in opposition? Delegate Marion, do you desire to speak in opposition?

Delegate Hutchinson, do you desire to speak in opposition?

DELEGATE HUTCHINSON: Yes, sir.

THE CHAIRMAN: You may proceed.

DELEGATE HUTCHINSON: I would like to relate the story of the clerk of Baltimore County. His name is O. T. Gosnell.

He has served for twenty-five years in the clerk's office of Baltimore County and after the clerk that preceded him was taken out of office for going against the public trust, Mr. Gosnell was appointed chief clerk in the circuit court. Then Mr. Gosnell was elected by the people in 1966 who passed judgment upon him and said in effect that the circuit court judge had made the right decision. But they too wanted to make the right decision and they elected him to serve as clerk to the court of Baltimore County.

Approximately fifteen minutes ago I spoke to him on the phone. I asked him what he thought about the appointment or election of the clerk. He said, "You know, chances are I would probably have a better chance of being re-appointed in 1970 than I would have of being re-elected in 1970." He said, however, since the clerks at this time must be subservient to the people and the courts are servants to the people and that today we have taken so much away from the people in relation to the courts, he thinks he should be elected.

I agree with him, I think we have taken so much away from the people when it comes to the courts in this state that they must be able to touch something. What is more of a servant to the people than the courts of this state?

They must pass judgment upon them and we have taken everything away from the people and I think we should let them touch something, and I think the clerk must be that something.

THE CHAIRMAN: Delegate Needle.

DELEGATE NEEDLE: Mr. Chairman, I think the only justification for electing