

any official is that he must be a policy-making official. The clerk performs only administrative duties and there is no justification for electing such an official unless you want to make this office a political football and permit an elective clerk to obstruct justice.

This is a most inappropriate way to provide a check or balance on the judiciary. We should have appointive clerks at all levels. Because of the heterogenous type of duties is no reason to provide for election. This is the only substantial variance which the Committee on the Judiciary Branch came out with with regard to the draft of the Constitutional Convention Commission which carefully considered this question.

This section had the support of the barest majority of the Judicial Branch Committee and in view of the fact that Delegate Marvin Smith changed his mind, the majority report no longer represents the majority view, and I therefore suggest we support the amendment which represents the majority view of the Judicial Branch Committee.

THE CHAIRMAN: Delegate Child.

DELEGATE CHILD: Mr. Chairman, I do not know anything about the larger clerk's offices, and I do not know anything about the smaller clerk's offices because I only have about forty years' experience down there. I did not know until I came up here that the judges of the court in Worcester County spent most of their time out hunting.

But I was very glad to learn that from a delegate from Baltimore City and I will be very glad to convey that information to the people on the Shore, not only as to Worcester County but of the other counties in the first judicial circuit.

Now, getting to this amendment, I am certainly against the amendment because it is certainly not a practical one. Anyone who has worked in the clerk's office as long as I have, not as an employee, but in searching titles and in various other kinds of work, knows that all of the records must be together.

If you have one clerk to attend to the judicial branch functions only, then this clerk must attend and record the equity records. He must record the judgment records.

Then another clerk under this amendment would be in a different clerk's office with a different set of employees recording

deeds, recording mortgages, and so forth, so that a person searching a title would have to go first to one office and then the other, because I submit that anyone who has searched title, and I certainly presume that some of you lawyers have, knows you must examine the chancery record and the judgment record and the Federal tax record and the mechanics lien record.

THE CHAIRMAN: Delegate Child, you have one-quarter minute.

DELEGATE CHILD: This amendment would set up two clerks offices when only one is necessary. It would have two sets of employees, it would take ten years to unscramble the duties and the records of the two courts.

I am against the amendment.

THE CHAIRMAN: Is there any other delegate that desires to speak in favor of the amendment?

Delegate Murray.

DELEGATE E. C. MURRAY: Mr. Chairman, I must speak in favor of the amendment and I base it solely upon the experience in my own county, and it is obvious that the situation differs so in other counties that this may affect the vote.

As has been stated here, and there is no use taking time to repeat it, the duties of the so-called clerk of the court in my county are endless. I think a time will come and I think this is the logical time to separate those duties, to create truly a clerk of the court who I suggest should be appointed and have the county re-establish what it had some years ago, a county clerk.

For that reason, I support the Minority Report.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Mr. Chairman, I just want to propose a parliamentary inquiry.

THE CHAIRMAN: State the inquiry.

DELEGATE MORGAN: Would an amendment providing for a county clerk to perform non-judicial functions be in order for the judicial branch article?

THE CHAIRMAN: I think the amendment would be in order, but I think the Committee on Style, Drafting and Arrangement when it got it would separate it and put one portion in the judicial article and the other portion in the executive branch article.