

I might say that the pages all seem to value these rosters very much, and have gone to considerable trouble to get autographs, so if you can possibly find it for her, we would greatly appreciate it.

Delegate Mudd.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee of the Whole: All I can say is here I am again for the fourth time in six days.

In this debate over the past six days, as debates of this kind often might proceed, I suggest one question which has not been propounded and that is who is on first. I shudder to think what the answer might have been at some points in this debate.

May I venture the modest suggestion now that if I may consider myself on third, at this stage of the proceeding, I hope that home plate can be reached before Thanksgiving.

I am now in the position of presenting the Majority Report, for which there is no report, but for which there is supporting memorandum. That is another way of saying, I must defend why there is not in the constitution, or that is, article V as proposed in the constitution, certain provisions which do appear in the present Constitution.

We have readily agreed that the present Constitution contains provisions with respect to the office of sheriff, register of wills, notary publics, justice of the peace, coroner and elisor. These are within the present Constitution and without downgrading the importance or need for these offices, we have concluded that they are an unnecessary inclusion in article V, as we propose it for adoption by this Committee. I hasten to say that we have considered through a subcommittee, chaired by Delegate Rosenstock, all of the necessary transitory provisions dealing with these very important offices, and now held by efficient and dedicated people.

There will be a transitory provision recommended by our Committee that all of these officials elected and now holding office continue in that position for the expiration of their current elected terms.

With respect to the sheriff, a subcommittee of the Committee on the Judicial Branch, working in conjunction with the subcommittee of the Executive and Local Government Committees, has the recommendation that we pass onto the legislature for its consideration a provision to

provide for sheriff, either by local law or by public terminal law for that important office in those political subdivisions where it is deemed necessary that such office continue.

The information and testimony before our Committee was very sharply contrasting. There are some political subdivisions in the state which feel they no longer have need for the office of sheriff. On the other hand, there are those political subdivisions which very desperately need to continue in office a sheriff to perform the many important and useful functions now being performed by the elected sheriffs.

We have no thought of being adverse to continuance of those offices in those jurisdictions where it is desired they be continued.

May I remind you that it is not necessary for us to say in our recommended article V that these offices may be continued. If we say nothing, as we have, with respect to these offices, then the legislature, as well as the local governments, are free to provide for these offices as the need in that particular political subdivision may require; not only to provide for the office but the manner of selection.

With respect to the office of register of wills, we readily agree that the functions performed by that office are most important and particularly in the administration of justice. As a matter of fact, the register of wills, we readily acknowledge, performs more quasi-judicial functions under the present system than does the orphans court, which will no longer be active in the four-tier structure, which you have approved.

It is necessary under the transitory provisions, which we will recommend, that presently elected registers of wills continue in office for their elective term and it is contemplated that this very necessary office will have to be continued with all the powers now enjoyed by the register of wills, probably under that name, but possibly as a deputy or arm of the clerk of the court.

We see no necessity for provision in the constitution with respect to notary publics, any further need for justices of the peace, or for a coroner and elisor to be given constitutional stature. Accordingly, the recommendation of your Committee on the Judicial Branch, as it has been referred to you, sections 5.01 through 5.31, although I believe one section has now been deleted