

so that our total recommendation will consist of 30 sections, is our complete recommendation, and in doing so it is the recommendation of the majority that the officers I have mentioned not be given constitutional statute, which, however, is not to say that our Committee does not recognize these offices to be of substantial statute and to be provided in the manner prescribed by the legislature or local governments.

THE CHAIRMAN: Are there any questions of the Committee Chairman?

If not, the Chair recognizes Delegate Johnson to present the Minority Report. Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, if there is no objection, I would just as soon make the report from here. It is extremely brief.

THE CHAIRMAN: Proceed.

DELEGATE JOHNSON: The minority members of the Committee agree with the majority members of the Committee with respect to certain deletions. However, because of the fact that we are establishing a unified judicial system, which widely departs from our current system, we strongly suggest that there be sections in the constitution that will help in the changeover, and therefore we urge the adoption of sections pertaining to the permissive establishment of the office of sheriff, and the office of register of wills, and it is to these two sections only that we have amendments for additions to the judicial article.

I will not take this time to go into detail, because we have some delegates who would like to be heard on this matter, but if my memory serves me correctly, the office of sheriff has been in existence in this state since some time in the 17th Century. It has been in our constitution, in practically every constitution, and as Chairman Mudd has indicated, it is a highly important office, and in many of the counties in this State indeed it is the chief law enforcement office as I believe it is in eighteen counties.

We think that this office deserves to be put into the constitution, where it has long been.

Now under the unified judicial system, we have departed from the register of wills office—excuse me, from the orphans court office.

There is only one county in this state that has departed from the orphans court

as we know it today, and in that county this new system, which is similar to the system which we will adopt under the unified judicial court system, is not working.

We agree that we should eliminate the orphans court as it exists in Maryland today, but we are also greatly concerned because of the field of specialization that is required in orphans court work and in matters of probate, that someone, some individual, with particular expertise, should be assigned to assist both litigants, counsel, and parties interested in probate matters.

This field is growing faster than any other field in the law today, and if we do not provide for the protection of an expert in this particular field, we feel that the same chaos will result as has resulted in one of the counties in our State that has done away with the orphans court setup.

For those reasons and for others that you will hear in a moment, we urge that a section be added to the judiciary article which will provide for the permissive use of the office of sheriff, and the permissive establishment of the office of register of wills.

THE CHAIRMAN: The Chief Page will distribute amendment R. This will be Amendment No. 60. The Clerk will read the amendment.

READING CLERK: Amendment No. 60 to accompany Minority Report No. JB-1 to Committee Recommendation No. JB-1, by Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, Rush: On page 9 following Section 5.30 add the following section: "Section 5. Sheriffs. The General Assembly may provide by law for the office of sheriff in any county of this State. The selection, tenure, compensation, power and non-judicial duties of the sheriff shall be prescribed by law. The General Assembly may provide by law for deputies of the sheriff in each county. The judicial duties of the office of sheriff may be prescribed by rule."

THE CHAIRMAN: Please correct the spelling of Delegate Siewierski's name, as one of the sponsors.

The amendment having been seconded, the Chair recognizes Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman—

THE CHAIRMAN: We are under controlled debate.