

little or no duties, but will find that his office has been left with routine functions?

THE CHAIRMAN: I think that statement is absolutely correct to the extent that it pertains to the purely judicial duties of the sheriff and is equally incorrect insofar as it pertains to non-judicial duties.

I include in non-judicial duties police powers.

Are you ready for the question?

THE CHAIRMAN: Ring the quorum bell, please.

The question arises on the adoption of Amendment No. 60. A vote Aye is a vote in favor of the amendment; a vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

The Clerk will record the vote.

There being 50 votes in the affirmative and 76 in the negative, the motion is lost and the amendment is rejected.

Pages will please distribute amendment Q. This will be Amendment No. 61 to accompany Minority Report JB-1 to Committee Recommendation JB-1 by delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, and Rush: On page 9 following section 5.30 add the following section: "Registers of Wills. The General Assembly may prescribe by law for a register of wills in any county of the State. The selection, tenure and compensation of the register of wills shall be prescribed by law. The General Assembly may prescribe by law for clerks in the office of register of wills upon certification of need from the chief judge of the Superior Court. The powers and duties of the register of wills shall be prescribed by rule."

Is there a second?

*(The motion was duly seconded.)*

Amendment No. 61 having been seconded, the Chair recognizes Delegate Johnson to speak to the amendment.

DELEGATE JOHNSON: Mr. Chairman, I yield whatever time is allotted, I believe five minutes under the controlled time.

THE CHAIRMAN: Ten minutes.

DELEGATE JOHNSON: Ten minutes. I yield the time to Delegate Rybczynski.

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Mr. Chairman and ladies and gentlemen of the Convention: I have a pretty good notion but I think this might very well be the last amendment to this article, and I feel pretty good about it, because we have a winner at this time. We are starting out first of all with a few admissions previously read to us.

First, as you will recall, Chairman Mudd more than a few minutes ago, admitted that this is a quasi-judicial office and he expects that his Committee will recommend that this office continue on. He suggested that possibly it will become that of deputy to the superior court clerk's office. However, the important thing is that it is a very important office and it must remain as such.

Secondly, you will recall that Delegate Hutchinson gave us that very inspiring talk about the necessity of keeping all elective offices. In addition to that, Delegate Scanlan pointed out yesterday in his very eloquent speech about judges that we do have the same system or the probate system within the federal court in Washington, D. C., so that you can see I have stood up on this question with great confidence.

Now, for just a very tiny little bit of history, I find that first enactment within our past having to do with the register of wills office goes back to 1877. Chapter 87 of that year starts the ball moving on the register of wills office.

Now, I would like to point out to you the salient differences between this office and the normal duties of the regular superior court clerk as we will note in the future. First the clerk of the court can be classified generally as a keeper of the record and a keeper of order within the courtroom itself. Generally, attorneys will file papers with the clerk, the clerk will record them, he will docket them, he will bring the files to the courtroom. This is generally in this business.

However, listen to some of these things that are the responsibility of the register of wills. He stores the wills for safe keeping for those who want them stored. Under his jurisdiction, we have appraisers, accountants. He has clerks whose job it is to keep files moving, not just to keep them in the office, but to actually see to it that the work is going on and that the file keeps moving. He is at power to admit wills to probate. He is at power to open estates with or without wills. At times his deputies must go out and hunt up witnesses or visit