

Section 10, 11, 12, 13, 14, 15 — that concludes consideration of the schedule of transitional provisions. Division has been called for. Schedule of transitional provisions is divided from the schedule of legislation.

The question now arises on the adoption of Committee Recommendation GP-13 to the extent that it encompasses the schedule of transitional provisions comprising the first fourteen pages.

Are you ready for the question?

Delegate Rybczynski.

DELEGATE RYBCZYNSKI: I conferred very early in the day with Mr. Benson about the Orphans' Court. While you were out of the room this morning I asked the question of Delegate Hardwicke as to just what was going to happen to the powers and duties of the Orphans' Court, and the answer was that it was going to be hanging in limbo until the General Assembly got to it. I thought it was our clear understanding that its powers were going to go to the superior court, and for that reason I thought the amendment was prepared by now.

THE CHAIRMAN: That would be an amendment to the schedule of legislation rather than to the schedule of transitional provisions, would it not?

DELEGATE RYBCZYNSKI: No, sir. I want to make it clear I am not talking about the personnel. I am talking about duties and powers.

Could you hold this open for a minute and I will go check down the hall?

THE CHAIRMAN: Yes, but let me understand something before you leave, Delegate Rybczynski. In the schedule of transitional provision, on page 5, I assume you are referring to section 15 which provides that the judicial power vested in the Orphans' Court as of June 30, 1968, shall continue until January 1, 1971.

I take it that your question was directed to the problem of what disposition should be made of the jurisdiction conferred now upon the Orphans' Court effective after January, 1971.

Delegate Rybczynski: That is correct.

THE CHAIRMAN: That would be a matter of legislation under the new judicial article. Since there would no longer be an Orphans' Court, the question of jurisdiction being vested in the district court would be a matter of legislation. It is not

in this schedule on the theory that the legislature has ample time between now and 1971 to decide where to vest that jurisdiction.

My fear and the fear of many of the delegates to whom I have spoken is that there might be some idea of putting all of this in the district court, and we would dread having something like this happen, but we still could not control it.

Under the sections adopted with respect to the judicial branch, the jurisdiction of the respective courts is to be determined by the General Assembly.

Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Please, sir, there is a section which provides that all of the duties now in the Supreme Bench of Baltimore City, Court of Common Pleas, and the city courts will go —

THE CHAIRMAN: That is in the legislation.

DELEGATE RYBCZYNSKI: Then you have not seen the ones on legislation.

THE CHAIRMAN: I will look now and see. I do not have an amendment sponsored by you with respect to the schedule of legislation.

Delegate Fornos.

DELEGATE FORNOS: Mr. Chairman, I ask that section 30 be held over until the amendment that we are working on can be presented.

THE CHAIRMAN: Very well. The question is further divided so as to separate section 30 of the schedule of transitional provisions from consideration with the remainder of that schedule.

Delegate Fornos, I have not seen the amendment. I am assuming in the light of your request that the amendment will not effect the divisibility of the section. The amendment does not touch upon any other section of the transitional provisions.

DELEGATE FORNOS: No, sir, it does not.

THE CHAIRMAN: The question is divided so that the question now arises on the adoption of the schedule of transitional provisions including the introductory paragraph on page 1, but not including section 30.

Is there any further discussion?

*(There was no response.)*

Are you ready for the question?