

"Secretary Robert J. Martineau."

*(Laughter.)*

THE CHAIRMAN: The Clerk will read the amendment, Amendment No. 15.

READING CLERK: Amendment No. 15 to Committee Recommendation GP-13 by Delegate Rybczynski: On page 21 following line 45 of Section 20, Duties of Clerk of Superior Court in Baltimore City, add the following new section:

Section 20A. Jurisdiction of Orphan's Courts

On January 1, 1971, the judicial powers and jurisdiction previously vested in the various orphan's courts in the State shall be vested in and exercised only by the superior court.

THE CHAIRMAN: The amendment is offered by Delegate Rybczynski. Is there a second?

*(Whereupon, the amendment was duly seconded.)*

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Rybczynski.

DELEGATE RYBCZYNSKI: Mr. Chairman, in questioning Delegate Hardwicke yesterday I found much to me surprise that there was a gap as to what was to happen—

THE CHAIRMAN: Delegate Rybczynski, will you wait just a second?

Will the Clerk ring the quorum bell?

You may proceed.

DELEGATE RYBCZYNSKI: That the jurisdiction and powers of the Orphans Court were to be left to the General Assembly as to placement in the future, contrary to every other court now in existence; that is, that the court of appeals would go to the new court of appeals and right down the line, until we got there to the Orphans Court and found no provision.

Although there is a strong feeling within the Convention that the General Assembly might very well see to this in the future, I cannot help but observe that every lawyer I know would be very unhappy to wake up one day to find that possibly all or part of the jurisdiction now in the orphan's court would find itself residing in the District Court. This would prove, or could prove to be a very unhappy situation.

On an informal poll of many of the lawyers in this Convention I learned that

practically everybody feels that the discussions during the judicial article section led us to believe that the work of the Orphans Court would in fact become part of the Superior Court, so that I know of no reason why we should not do this now. Why put it off? Why leave this gap, this obvious gap in what we are trying to do?

I strongly urge everyone to think about the enormous size of many of the estates, the importance of the work concerned in the Orphans Court, and in the probate work, and suggest to you that it just does not belong, even by a remote possibility, in a district court, but rather in a superior court.

I urge you to fill this gap by adopting section 20A so that the work now in the Orphans Court will automatically go to the Superior Court.

THE CHAIRMAN: Any questions of the sponsor of the amendment?

The Chair hears none.

Delegate Hardwicke?

Delegate Della, do you have a question?

DELEGATE DELLA: Yes, I do.

THE CHAIRMAN: Delegate Rybczynski, do you yield to a question?

DELEGATE DELLA: Would you not have a conflict of jurisdiction between the cities and the counties?

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: I do not believe so.

THE CHAIRMAN: Delegate Della.

DELEGATE DELLA: Would the district courts in the county not supervise the work in the Orphans Court while the Superior Court in Baltimore City could take over the duties of the Orphans Court in Baltimore City?

THE CHAIRMAN: Delegate Rybczynski.

DELEGATE RYBCZYNSKI: No, sir.

I see what is bothering you, Senator Della.

The reference is merely to a previous section; but what we are looking at here, section 20A, is a totally new section governing all Orphans Courts and all Superior Courts of the future.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman and ladies and gentlemen: this Con-