

1 nisi prius jurisdiction and that the judges of the  
2 Orphans Courts or the judges exercising probate functions  
3 ought to have exactly the same high degree of qualifi-  
4 cations. I don't think anybody questions that. I think  
5 one at least of the motives here is pull the Orphans Court  
6 up to the level of the Circuit Courts, not abolish it or  
7 get rid of it.

8           The second thing is that I think you  
9 recognize that, as you mentioned a moment ago, the  
10 Orphans Courts are statutory courts, they are courts of  
11 limited jurisdiction, there are some things you can't  
12 do. It has never made sense to me that the Orphans Court  
13 frames issues and you send them up the hall or up the  
14 street or upstairs to another judge to try before a jury,  
15 because you are not deemed to have the jurisdiction,  
16 unless everybody agrees that it can be tried before  
17 you without a jury. I see no sense to that. I see no  
18 sense to having a judge in probate matters elected every  
19 four years when a judge trying negligence cases or con-  
20 tract matters or others has a tenure of fifteen years.

21           JUDGE FRIEDMAN: I am for that.