

Yeas—Messrs. Abbott, Billingsley, Briscoe, Dennis, Dent, Duvall, Edelen, Gale, Hatch, Henkle, Hodson, Horsey, Johnson, Lansdale, Mitchell, Miller, Morgan, Parran, Peter—19.

Nays—Messrs. Goldsborough, President; Annan, Audoun, Blackiston, Bond, Brooks, Brown, Carter, Chambers, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Farrow, Galloway, Greene, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Keefer, Kennard, King, Lee, Markey, McComas, Murray, Nyman, Parker, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Worcester, Stirling, Swope, Sykes, Thomas, Thurston, Todd, Wickard, Wilmer, Wooden—50.

When his name was called,

Mr. ABBOTT said: My motion was for \$2,000 all round, and I shall therefore vote "aye."

The amendment was accordingly rejected. No further amendment was offered.

The convention resumed the consideration of the twenty-third section as follows:

"Sec. 23. There shall be a clerk of the circuit court for each county, who shall be elected by a plurality vote of the qualified voters of said county; he shall hold his office for the term of six years from the time of his election, and until a new election is held and his successor duly qualified; he shall be re-eligible at the end of his term, and shall at any time be subject to removal for wilful neglect of duty, or other misdemeanor in office, on conviction in a court of law."

Mr. THURSTON. I move to add the words, "He shall give his personal attention exclusively to the duties of said office." I wish to prevent offices from being farmed out.

Mr. EDELEN. What does the gentleman mean by the word "exclusively?"

Mr. THURSTON. That he shall not attend to any other trade; that that shall be his occupation.

Mr. EDELEN. And that a man becoming a clerk shall give up all other business?

Mr. THURSTON. Yes, sir; and attend to the duties of his office daily, and not carry on another business, and farm his office out to deputies.

Mr. THOMAS. Suppose the clerk happens to be a farmer. This would preclude him from attending to his farm. Suppose he owns a store, he cannot attend to that.

Mr. THURSTON. It only excludes him during the time he is required to attend to the duties of his office.

Mr. THOMAS. I should think it did.

Mr. MILLER. I think the amendment is a good one, and ought to be adopted. Men in the counties get elected to the office of clerk or register, and they never see the office from the time they are elected until their term expires. They just hire somebody to go there and do their duty for them.

Mr. THURSTON. I put in the word "exclusively" for this purpose. He might go and stay there half an hour a day, and give his personal attention for that time, and direct his deputy, and never take a pen in his hand.

The PRESIDENT. Why not say "during office hours?"

Mr. THURSTON. I will add "during business hours."

Mr. THOMAS. What is the necessity of putting it in at all? What if the clerk does appoint a deputy, who does the work properly?

Mr. THURSTON. The people do not elect the deputy but the clerk. He is the man they want, and not any one that he may choose to take his place.

Mr. THOMAS. He might get sick sometimes.

Mr. BRISCOE. I should be very willing to sustain the proposition of the gentleman over the way, but that I believe the purposes of the proposition can be better accomplished by legislative action. I believe there is already an act of assembly requiring the clerks of each county to attend so many days in the week to the duties of their office; but whether there be or not, I think it is perfectly competent for the legislature to pass such a law; and it is hardly necessary to incorporate it here. I should be in favor of a proposition of that kind, making the bondman of the clerk responsible for his personal attendance to his duties.

Mr. THURSTON. My object was this: The latter part of the section is that "he shall be subject to removal by the said court for incompetency, neglect of duty, misdemeanor in office, or such other cause or causes as may be prescribed by law." I want to impose the duties upon him personally in such a way that it shall be a wilful neglect of duty for him to transfer them to another person. I think this is the proper place for it.

Mr. PUGH. I think this is more properly a question between the officer who is elected and the people who elect him. The great difficulty in the constitution is in adopting phraseology that is liable to some misinterpretation. The gentleman has varied his amendment, so as to read not only "exclusively," but "during business hours." That is liable to objection; because if the officer was not there during all the business hours, he would not fulfill the constitutional provision. I do not see how it is possible to prevent it from being objectionable in that respect. If the people think a man does not attend to his duty, that he is an unfaithful public servant, they should not vote for him. I shall always be careful to vote for men whom I expect faithfully to discharge their duties. I do not intend to vote for a man who will avoid the duties of his office. It seems to me that being elected to an office like this, it is properly a question between the officer and the people.

Mr. THOMAS. I would suggest that a proposition came from my colleague from Balti-