

more city the other day, to attach an amendment to the provision in relation to the attorney general to make him attend exclusively to the duties of his office and not to any other business. There was hardly a lawyer in the convention but voted against it on the ground that it was utterly impossible to get an attorney general to take the office under such circumstances. The objection applies with the same force to the clerk of the county courts.

Mr. SANDS. I think we have some legislation upon this subject, but the very phraseology of that legislation is a reason why the views of the gentleman from Allegany (Mr. Thruston,) which are very proper, are not now required by the law of this State.—Section two of article eighteen of the code is as follows:

“Every clerk shall attend at his office for the transaction of the business thereof, every day except Sundays, either in person or by deputy, unless prevented by sickness, accident or necessity.”

If the words “or by deputy” were stricken out of this section, and it was offered by the gentleman from Allegany (Mr. Thruston) as an amendment to the section under consideration, I think it would meet the case, and very properly meet it. For the office of clerk in many of the counties of the State is worth more than that of the judge of the court.—The fees of the office go over three thousand dollars, and in that case the office of clerk is worth three thousand dollars.

Mr. STRILING. The constitution limits it to twenty-five hundred dollars.

Mr. SANDS. Well, twenty-five hundred dollars, then. They are then paid salaries equal to the salaries of the judges of the courts. Now we know what is the custom. I know what it is with us. A gentleman is elected clerk who is a farmer. Now farming his land is the grand consideration with him, while he farms out his clerkship to a deputy, and very frequently when you go to the office on business, you find no one there to transact your business but the deputy or a minor son. Now I think when a gentleman who has a farm, becomes a candidate for the office of clerk, and is elected by the people to that office, he ought to farm out his farm to somebody else, and stay at his office. What business has he away from his office, any more than the day laborer has away from the handles of the plough when paid for his work?

Mr. RIDGELY. I would ask the gentleman whether there is not most ample provision in this section, as it now stands, to protect the public against such maladministration of office of which he speaks, in that portion of it which renders him liable to indictment and removal for wilful neglect of duty?

Mr. SANDS. We all know what that all amounts to; it amounts to just nothing at all. Under the provision now, when the fees go largely over twenty-five hundred dollars,

the clerk is allowed to pay a deputy for transacting the business of the office, and still receives himself annually twenty-five hundred dollars when he is not in his office one day in seven. I have had some observation and experience upon this subject. I know how important it is that you should confine these officials to their duties, and not have the clerkship regarded as something to be bid for in a nominating convention, and then when obtained farmed out perhaps to incompetent people, while the other pockets the salary. It is so in our register's office, and I think when we come to that matter it would be well to change that. We have statutory law requiring the register to be in his office certain hours, and yet he is not there on the average one day in the week. And if a party owning a farm, or store, or anything else, wants the clerkship, then let him farm out his store or farm, instead of the clerkship, which is a public office vital to the interests of the people, and which at all times should be open to their inspection and accommodation in any way.

Mr. DENNIS. It really seems to me that all this is “much ado about nothing.” It does seem to me that there are ideas prevailing in this convention practically revising all the old doctrines about office. I had supposed that offices were created for the good of the community. But the prominent idea here seems to be that the office holders are the exclusive beneficiaries, and you are so to arrange matters that they shall reap all the benefit of the offices without any regard to the community at all.

Now where is the necessity for the proposed amendment? You provide in the section that if the duties of the office are not properly discharged, the incumbent shall be subject to removal. What more do you want? Is not that sufficient? If the duties of the office are not discharged, either by him or his deputy, then he is subject to removal. I think it is eminently wise and proper that you should have the office open to deputies. My experience is that very frequently incompetent men are elected to this office, not unfrequently some cross-road politician who knows how to hurrah for buncombe, but who is entirely ignorant of the duties of the office. And it is well enough to have some competent deputy to discharge the duties of the office.

Mr. STRILING. It strikes me that this is a very strange proposition. It involves the idea that the clerk of the court is supposed to perform the duties of clerk himself. Now I submit that it is not expected that the clerk of the court shall perform the duties of the office himself. It may be proper for him, if the fees of the office are not sufficient to enable him to employ a number of deputies, to reduce the expenses by performing the duties himself. The gentleman from Somerset (Mr. Dennis) says the people have the right to