

It is an office that we should take far from the people; it is an office which I would place in the hands of the judiciary. They are responsible for the prompt administration of its duties, and if they are neglected, they should have no plea that the people had thrown upon them a man who was not competent to the task. The next thing to a perfect judge is a perfect clerk in your court. Have we not seen this in our own deliberations? Have you not had your reading clerks changed? I say, of all the offices in the world that I would place with the judiciary, it is that the judges should appoint their own clerks, because the public holds the judges responsible, and therefore it is an officer which the judges themselves should appoint. If they have the appointment, they can make no plea of delay, for the people would tell them, turn your officer out if he is inefficient. When the people have determined to hold the judges responsible for the prompt execution of their duties, and if these should have just cause to complain of the inefficiency of the clerk, (and it is now said, by lawyers, that you have thrown duties upon the judges which they can never discharge—that your judicial duties are now too onerous,) they cannot get through with their duties in detail. The lawyers in my own region have written to me thus and so. The people do not wish to elect this officer. I am for placing this power in the hands of the judges, and making the clerk subordinate to the court. If he is not efficient, let the court put him out, at its will and pleasure. I will tell gentlemen who are in favor of judicial reform, that when they thus tie up and paralyze the judicial system we have voted for, they will do that which will make it unpopular and inefficient, and therefore let the judges be an entirety. Let them be responsible for their own clerk; let them take the whole responsibility of executing their own task, and appointing their own subordinate agents. If they do not appoint a good one, it is their own fault. I withdraw the motion to postpone.

The question was then stated to be on agreeing to the substitute as amended.

Mr. BRENT asked the yeas and nays on the adoption of the substitute as amended, which were ordered, and being taken, were as follows:

Affirmative—Messrs. Blakistone, Hopewell, Howard, Buchanan, Dashiell, Miller, Spencer, George, Wright, Dirickson, Sappington, McHenry, Magraw, Thawley, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—33.

Negative—Messrs. Chapman, President, Dent, Rieaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Sellman, Brent, of Charles, Lloyd, Dickinson, James U. Dennis, Crisfield, Williams, Hiels, Hodson, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, McMaster, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Stewart, of Baltimore city, Davis, Kilgour and Waters—36.

So the Convention refused to accept the substitute.

The question then recurred on the adoption of the fourth section.

Mr. McMASTER moved to strike out "six" and insert "five," so that the clerk shall be appointed for five years. He remarked that the Court of Appeals is to be elected for ten years, and he would give them the power to appoint their clerk for five years.

The amendment was rejected.

The article as amended was then adopted, and, on motion, the Convention adjourned.

TUESDAY, April 29, 1851.

The Convention met at nine o'clock.

Prayer was made by the Rev. Mr. Griffith.

The roll of the members was called, and a quorum was present.

The Secretary proceeded to read the Journal, and had read it in part, when,

On motion of Mr. NEILL, the further reading of the Journal was dispensed with.

MOTIONS TO RECONSIDER.

Mr. HOWARD rose, he said, to give notice that he would to-morrow morning move to repeal the order which had heretofore been adopted on the motion, he believed, of the gentleman from Frederick, (Mr. Thomas,) which allowed a motion to re-consider to be made at any time or by any body. He thought that the repeal of the rule was necessary and proper, and he would to-morrow morning, when the motion should be taken up, state the reasons which had induced him to make it.

The motion was entered on the Journal.

Mr. WELLS offered the following order:

Ordered, That Benjamin Hopkins be allowed one dollar and fifty cents per diem, during the session of the Convention, for his services in attending to the furnace and making fires.

The order was read and adopted.

AMENDMENT TO THE RULES.

Mr. THAWLEY rose, he said, to offer the following order, which he hoped would be adopted:

Resolved, That no gentleman shall stand over the Clerk's desk while he is calling the yeas and nays.

Ordered, also, That no vote to re-consider shall be reconsidered without receiving at least as large a vote as passed it.

The order having been read—

Mr. SCHLEY called for a division of the question, so that the vote should be taken separately on the proposed amendment of the rule in regard to motions to re-consider.

Mr. BLAKISTONE suggested that the first branch of the proposition (that which prohibited members from looking over the desk, &c.) had already been provided for. So far, therefore, as that branch of the proposition was concerned, the order was unnecessary.

In relation to the latter branch of the proposi-