

elect whom they please. Suppose a man is elected who does not know how to make the entries; will you force him to do it. A large proportion of the clerks in the State do not know how to make the entries properly. All that they are expected to do is to give their supervision to the office, and to be responsible upon their bonds for the proper persons to perform the duties. If you say that no man shall be elected clerk except one who is a practical clerk, then you will have to take persons who cannot give the necessary bonds. If a clerk is responsible for what is done, and gives a reasonable amount of attention to seeing that the duties of the office are properly discharged, that is all that is expected.

And who is to take the place upon the terms proposed by this amendment? No one, except some man who has acquired the manual experience and execution sufficient to enable him to write up the entries, and yet is not able to give the necessary bonds; or some man who is broken down in his other business and relies upon his friends to give the bonds. One great part of the business of the clerk is to receive the public money, the license fees, etc., and he must give heavy bonds for the faithful discharge of that duty. A great part of his bond, is for the performance of that duty. You do not expect a man, who may be qualified to do that, to be thoroughly read up in "Harrison's Entries," and to know how to enter all proceedings in court.

Mr. THURSTON. There is so much objection to my amendment that I will withdraw it.

The amendment was accordingly withdrawn.

Mr. AUDOUN. The section as it now stands provides for the removal of the clerk, but it does not provide for the filling the vacancy created by the removal. I therefore propose to amend the section by adding "and vacancies in said office of clerk by death, resignation or removal from office, shall be filled by the judge of the counties or city respectively, for the residue of the term thus made vacant."

Mr. THOMAS. I would suggest to my colleague (Mr. Audoun,) to add after the words "removal from office" the words "or other disqualification."

Mr. THURSTON. That amendment might take away from the people for three, four or five years, the right to elect their clerk.

The PRESIDENT. The incumbent is to hold his office for six years, or until his successor is elected and qualified. You must strike out that provision.

Mr. AUDOUN. Not necessarily so. There is no provision in this section, as it now stands, to fill the office of clerk should he be removed from office.

Mr. HEBB. I am opposed to this proposition. In the section in relation to the register of wills, provision is made that in case of vacancy the judges of the orphans' court shall

fill the vacancy until the next election. I would prefer a provision of that kind to this amendment, and have the new clerk elected for six years at the next general election for county officers.

The question was then taken upon the amendment of Mr. AUDOUN, and it was rejected.

Mr. PARRAN submitted the following amendment:

Add to the end of section twenty-three, the following:

"In the event of any vacancy in the office of the clerk of any of the circuit courts, said vacancy shall be filled by the judge of said circuit in which said vacancy occurs until the next general election when a clerk of said circuit court shall be elected to serve for six years thereafter."

Mr. HEBB. I would suggest to the gentleman to make it "until the next general election for county officers."

Mr. PARRAN. I will accept the amendment. The amendment as modified was then adopted.

Mr. ABBOTT. I offer the following as an additional section:

"Sec. 24. The election for all judiciary officers shall be held on the third Wednesday of May in each year, that such officers may be required to be elected, and no other officers except a judicial one shall be elected at the same time."

I offer this section for the purpose of separating the election of judicial officers from other elections, and having it held in a season of the year when there are none of those political gatherings and troubles that there are frequently in the fall of the year. This will in a great measure satisfy many of those who are in favor of an appointive judiciary system, because it takes it out of the bustle of the elections for members of the legislature, State officers, and members of Congress, and makes it a separate and distinct election.

Mr. THOMAS. I would suggest to my colleague (Mr. Abbott) that he except from the operation of that section, the judges to be elected for the new judicial districts. It seems to me that they should be elected as soon as possible after the adoption of this constitution.

Mr. ABBOTT. Provision can be made for that hereafter; this is only to establish the general rule.

Mr. STIRLING. The only difficulty I have about this proposed section is that this report makes no provision at all for the time of electing the judges, having been based upon the appointive system. I think some provision should be adopted to apply to all elections of judges.

Mr. THOMAS. I think myself that the whole thing should be left to the committee on the schedule, and let them fix it.