

aggregate vote of both sides do not make a quorum, it has been the universal parliamentary practice for the Chair to state "no quorum voting," and take the vote again requiring every member in the body to vote. The 30th rule is as follows:

"Every member who shall be in the Convention when the question is put shall give his vote, unless the Convention, for special reasons, shall excuse him; and the refusal of any member present to vote on calling the yeas and nays, shall be noted on the Journal at the request of any member."

Mr. STIRLING I call for the yeas and nays, as the best way to determine if there be a quorum present.

The yeas and nays were ordered.

The question being taken, by yeas and nays, upon the motion of Mr Stockbridge to strike out all in the 32d article, after the word "people" in the third line, it resulted—yeas 23, nays 30—as follows:

Yeas—Messrs Brown, Clarke, Cunningham, Dail, Duvall, Earle, Greene, Hodson Hopper, Horsey, Jones of Cecil, Jones of Somerset, Mitchell, Miller, Morgau, Negley, Noble, Nyman, Parker, Russell, Scott, Todd, Valliant—23

Nays—Messrs. Abbott, Baker, Barron, Bond, Cushing, Daniel, Davis of Washington, Ecker, Galloway, Harwood, Hatch, Hebb, Henkle, Hopkins, Keefer, Kennard, Lausdale, Larsh, Markey, Mullikin, Robinetto, Schlusser, Smith of Carroll, Smith of Worcester, Sneary, Stirling, Swope, Sykes, Wickard, Wooden—30.

Mr MILLER, when his name was called, said: I am in favor of this proposition as a general principle, and if any member of the Judiciary Committee will answer me that the provisions of this article which it is proposed to strike out, will be included in the article on the judiciary, I will vote for this amendment. but there is an important provision in the latter part of this article as it now stands, which never has been in any article of the Constitution before. I refer to this portion:

"No judge shall hold any other office, civil or military, or political trust and employment of any kind whatsoever, under the Constitution or laws of this State, or of the United States, or any of them, or receive fees or perquisites of any kind for the discharge of his official duties."

I wish to know whether it is proposed to embody that clause in the article on the judiciary or not.

Mr JONES, of Somerset. There is no doubt that all these provisions will be embraced in the article on the judiciary.

Mr. MILLER. If so, then I vote "aye."

The motion to strike out was not agreed to.

No further amendments being offered to article 32, article 33 was then read, to which no amendment was offered.

Article 34 was then read, as follows:

"That no person ought to hold at the same time more than one office of profit, created by the Constitution or laws of this State; nor ought any person in public trust to receive any presents from any foreign prince or State, or from the United States, or any of them, without the approbation of this State."

Mr. STIRLING moved to change the word "presents" to "present." Agreed to.

Mr. HENKLE. I would like to have justices of the peace excepted from the operations of the first portion of this article. In the counties we frequently have persons acting as justices of the peace, who are also very suitable persons to fill other offices. There is now a provision in the laws, or the Constitution, permitting justices of the peace to fill other offices. I move to amend this article by inserting after the word "person" in the first line, the words "except justices of the peace." It will then read, "no person, except justices of the peace, ought to hold at the same time more than one office of profit," &c.

Mr. STIRLING. I would say to the gentleman that his proposition removes justices of the peace entirely from the operation of this article, and permits a man who may be a justice of the peace, to hold any number of offices of profit that he can obtain, while a man who is not a justice of the peace can hold but one such office. I know what the gentleman contemplates. The fact is true, as he states, that there is an inconsistency between this Declaration of Rights and the Constitution as it now stands. The Constitution allows justices of the peace to be members of the Legislature also. But I suppose, though a justice of the peace gets four dollars a day, the office is not considered an office of profit, and it might be considered that the office of member of General Assembly is not an office of profit, but rather one of trust.

The CHAIRMAN. The office of justice of the peace is evidently not an office of profit.

Mr. STIRLING. The reason that that provision was put in the old Constitution was that the office of justice of the peace was originally an office of trust and not of profit. In some parts of the State it is now entirely an office of profit; in other parts I know it is not considered so.

Mr. HENKLE. It does not matter to me how the object is accomplished, provided it is accomplished. But, as is perfectly well known to every person who lives in the country, it is even now difficult to get any gentleman of standing and ability to serve as justice of the peace. And if you add the disability of serving in any other official capacity in the State, it will increase the difficulty. We generally try to get the best man we can for the office of