

county commissioners may be elected on the same day.

The motion was agreed to, and the section was informally passed over.

#### ROAD SUPERVISORS AND CONSTABLES.

The fifth section was read as follows:

Section 5. The general assembly shall provide by law for the appointment of road supervisors and constables in the several counties by the county commissioners, and the number of said supervisors and constables in the several election districts in the several counties shall be determined by the said county commissioners, but the tenure of office shall be uniform, and their powers and duties shall be similar throughout the State.

Mr. DELLINGER submitted the following amendment:

Section 5. Strike out in the first line the word "appointment," and in the third line the words "by the county commissioners," and insert in the first line the word "election."

Mr. DANIEL. I hope the amendment will not prevail. The committee considered that subject well. There seemed to be a general desire, as I thought, expressed to get clear of the election of these small officers by the people of the counties. It has been stated that very frequently a congressman or a senator, or a judge, will be exchanged upon the day of election, for a mere road supervisor, or constable, or magistrate. I think everybody who has observed the course of elections with reference to these small officers, must have come to the conclusion that there is more corruption arising from the election of such officers than in the election of any others.

For my part, desirous as I am to see judges of the State appointed in some proper mode, I think it a great deal better to have these small officers appointed than to have the judges appointed. I think it is a great deal better, if you introduce the election of either, it will be better to introduce it upon the matter of judges; it being a matter of so much graver importance that the attention of the people will be more strongly brought to bear upon the choice of officers, and there will be a wiser selection than for these smaller officers. I think the great trouble arises from these smaller offices. I think our past experience under the old constitution, when constables and road supervisors were appointed, showed a better result than our later experience under our present constitution, since they have been elected. I think we have had a better class of officers. It takes out all this political chicanery which so much attends elections to these little, low, petty offices. I hope that this change will not be made, but that the appointment will be restored to the county commissioners; especially as the judiciary report for some others of these smaller officers under its charge to be appointed. I

think therefore that no change should be made, at least until this whole subject can be considered together. I think we shall find great difficulty and embarrassment if we go into the election of these officers as heretofore.

Mr. DELLINGER. There would be a great deal of force in what the gentleman has said, if the privilege of electing these officers had never been given to the people; but having been once given to them it is a dangerous experiment to attempt to take it from them. My impression is that if we do not give the election of these officers to the people, they will defeat this constitution. I have not a particle of doubt about it. I am free to confess that if the people are not to elect these officers who have been elected, I shall be very much disposed to vote against this constitution. I have no idea that a privilege once granted to the people shall be retrenched from them.

Mr. SCOTT. The difficulty deprecated by the gentleman from Baltimore city (Mr. Daniel) can be obviated by the election of those officers on a separate day from the State election. Then they will not barter off the more important officers for less important local officers. We can have spring elections for county commissioners, road supervisors and constables; and then there will be no possibility of bartering these offices.

Has the gentleman thought about the difficulty that he would bring upon the county commissioners, with at least five hundred applicants for these different offices, button-holing every commissioner wherever they could find them. Every road supervisor and every constable would be pressing. I would not consent to be county commissioner for ten dollars a day under such circumstances.

If we are to have these officers appointed, it seems to me that the same argument might be carried a little further, and we might conclude to have no elections at all, because the people are not qualified to judge and elections are liable to lead to corruption. The argument leads invariably to the conclusion that we shall have no elections at all. The safest plan is to leave these offices elective, and let these officers be elected at elections held specially for that purpose, and not mixed up with the general elections of the State. Then you will secure good officers and avoid bartering away important candidates for those of less importance.

Mr. MILLER. I had thought that one of the great reforms we were sent here to accomplish was to restore in some degree at least the old mode of appointing officers and not electing them by the people. This matter of electing these road supervisors, constables, justices of the peace, and all these subordinate officers by the people, has been one of the great evils of the old constitution—one about which the people in this section of the State, I know, complain more than