

should be defeated. I think the shoe is on that foot rather than the other.

Mr. SANDS. That is the foot the shoe is on.

Mr. MAYHOOD. I am surprised to see gentleman who I believe honestly desire the adoption of this constitution taking the course they have with regard to the election of magistrates and constables. I am not at all surprised to see gentlemen who have opposed almost every article in this constitution taking the course they have. It seems to me that the principle of the gentleman from Kent (Mr. Chambers) fearing to place the election of officers within the gift of the people, and preferring the appointing power, to say the least of it, has a tendency to centralization and monarchy. The only true theory of republican government is to lodge the power in the people, where it properly belongs; and if they abuse that power, let them redress it themselves.

If the people of those counties which the gentlemen represent as having such terribly bad officers, have put these officers in power, and have done so by their button-hole politics, if they have chosen them from prejudice or party feeling, and they do not properly and judiciously and honestly fulfil their duties, then it is their own fault; let them redress their wrongs.

I differ from my colleague who last spoke (Mr. Davis) with regard to the sentiments of the people of Washington county. It may be that many of them desire the appointment of supervisors and constables and magistrates; but I really believe that this constitution will not receive the votes of the people of Washington county if they are to be appointed. Elect the judges by the people, and not one man out of every twenty in our county has anything to do with that office. But take from the masses of the people the election of the very officers with whom they come in contact every day, and what do you think will be the result? It will be that that class of people, feeling that their liberties have been abridged, in that way too which they must feel, will vote against this constitution. I feel it through my whole system. I speak honestly what I say. I do believe that if these officers are to be appointed, it will defeat the constitution.

Gentlemen talk about reform. It is a retrograde movement. It is going back ten years at least. Those people have had these rights and privileges. If they never had had them, it would be a different thing. They have had the privilege of selecting the officers with whom they have business to do. And if we change this they will say, you give us, it is true, the election of officers with whom we have nothing to do, but the very men that we have business with, that may browbeat and insult us, you refuse to allow us to elect. I feel satisfied that it will endanger the constitution.

Mr. BERT. Before the question is taken, without feeling any particular personal interest in the result of the vote, I feel myself under obligation to state that among the questions which interest my people, I really suppose there was nothing upon which I received admonition from so many of my constituents as upon this very thing, that I should use every particle of influence I could bring to bear to have the present system changed. Our county, no doubt, is differently situated from that of many gentlemen, and they have different views. I remarked the other night, in an argument I had the honor to submit on another question, that since this system was put in operation we have scarcely had any roads at all. It is impossible to make the present system effective. I have drawn two amendments, which I should like to offer, if the house would consent to vote upon them.

The first amendment is to strike out all after "counties" in the 3d line, so that the section shall read:

"Sec 5. The general assembly shall provide by law for the appointment of road supervisors and constables in the several counties."

This will allow the legislature to arrange for the appointment of the officers; and as a consequence of that, it will allow each county practically through its representatives to decide what system they shall have. The best men in this State cannot make a road system, or a uniform system of overseers or supervisors of roads, to suit everybody. You cannot have a system which will regulate the turnpikes of Washington county, and suit our roads in Prince George's and Charles counties. But we can regulate these things. We can each make a system, and send it through our representatives to the legislature, and have it passed; and that will suit the convenience of the whole people.

The PRESIDENT. That amendment is not in order until after the vote is taken upon the pending amendment.

Mr. STIRLING. I think the members of the convention are rather drawing into this discussion something that does not belong to it. I do not see that the question affects the principle of the election of officers by the people to any extent whatever. So far as I am concerned, I am decidedly in favor of letting the people elect all officers of whatever character that they can possibly elect. Some officers it is not practically possible for them to elect. In our present constitution we made a change which, instead of giving the people the right to elect their own officers, practically took it away from them. If you can provide by law that the people who live on a road shall elect the road supervisor who shall actually have charge of that road, I will vote for it with great pleasure. But in an election district there may be fifty roads, and if you elect a man he cannot possibly superintend fifty