

qualification of the person elected, and for filling all vacancies which may occur, but no person shall be a Justice of the Peace and Constable, for any county or city who shall not be entitled to vote therein at the time of the election;”

Which was read.

The question recurred upon the amendment as offered by Mr. Spencer.

On motion of Mr. Shriver,

Said amendment was amended by inserting after “Justices of the Peace,” the words “and Constables;”

The question then recurred upon the adoption of the amendment as amended.

Mr. Weems, moved for a division of the question upon each branch of said amendment.

The question was then put on the first branch of said amendment, being in these words, “The Legislature shall prescribe the number of justices of the peace and constables in each of the counties in this State and in the city of Baltimore;”

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered appeared as follows :

**AFFIRMATIVE**—Messrs. Randall, Weems, Dalrymple, Howard, Lloyd, Colston, Phelps, McCullough, Miller, Spencer, Grason, George, Wright, Shriver, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Baltimore city, Ware, Fiery, Anderson, Parke, Shower and Brown—28.

**NEGATIVE**—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Dorsey, Bond, Buchanan, Bell, Sherwood of Talbot, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Bowie, Sprigg, Bowling, Dirckson, McMaster, Hearn, Fooks, Jacobs, Gaither, Annan, Stephenson, McHenry, Nelson, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Fitzpatrick, Smith and Cockey—43.

So the 1st branch of the amendment was rejected.

Mr. Hollyday, moved to amend said 21st section by striking out from the beginning of said section to the word “Baltimore,” inclusive, in the 3rd line and inserting in lieu thereof, the following:

“Before every election of justices of the peace under this constitution, it shall be the duty of the county commissioners to apportion amongst election districts in each county the number of justices of the peace necessary to discharge the public business.”

On motion of Mr. Phelps, said amendment was amended by inserting after the words “Justices of the Peace,” the words “and Constables;”