

"Sec. 37. The general assembly, at its first session after the adoption of this constitution, shall fix the number of justices of the peace and constables for each ward of the city of Baltimore, and for each election district in the several counties, who shall be elected by the legal and qualified voters thereof, respectively, at the next general election for county officers thereafter, and shall hold their offices for two years from the time of their election, and until their successors in office are elected and qualified; and the general assembly may, from time to time, increase or diminish the number of justices of the peace and constables to be elected in the several wards and election districts, as the wants and interests of the people may require. They shall be, by virtue of their offices, conservators of the peace in the said counties and city respectively, and shall have such duties and compensation as now exist, or may be provided for by law. In the event of a vacancy in the office of a justice of the peace, the governor shall appoint a person to serve as justice of the peace until the next regular election of said officers, and in case of a vacancy in the office of constable, the county commissioners of the county in which a vacancy may occur, or the mayor and city council of Baltimore, as the case may be, shall appoint a person to serve as constable until the next regular election thereafter for said officers. An appeal shall lie in all civil cases from the judgment of a justice of the peace to the circuit court of the county, or to the court of common pleas of Baltimore city, as the case may be, and on all such appeals, either party shall be entitled to a trial by jury, according to the laws now existing, or which may be hereafter enacted; and the mayor and city council of Baltimore shall have the exclusive power to create, organize and govern such police force for the good government of said city as they may deem necessary."

Mr. DANIEL. I would prefer that that section should be passed over informally; and I will make that motion and submit my reasons. The question now comes up as to the appointment or election of justices of the peace. It is not a question peculiar to the city of Baltimore at all; but I suppose the same law we enact for the State will prevail in Baltimore city. For myself I prefer very much that the magistrates and constables at least should be appointed. I think that the question is properly presented that this convention having determined to elect the judges instead of appointing them, a large number of the convention, and a large number I think of the people of the State, I will not say a majority, prefer that these officers should be appointed rather than elected. I think it would be fair to those who have yielded their preference and allowed the judges to be elected, fair to them and to their constituencies, that they should be allowed to have these minor officers,

magistrates and constables, appointed by some power, if not by the judges as here proposed.

I think as I have already heretofore remarked upon this floor, that much greater evil arises from the election of these smaller officers, constables magistrates, and road supervisors, than from the election of judges; that the people will be a good deal more circumspect in the election of judges. It has been stated in the discussion of some other propositions in relation to this, that there is a disposition to swap off the first and highest officers of the State for the small and petty offices. I think this leads to a great deal of corruption, and is the principal cause of corruption in our elective system. As has been stated in reference to constables in Baltimore city, it is a known custom that men get themselves elected, who are busy running about the wards, and, as soon as they are elected they go and sell the office to somebody else for one hundred or one hundred and fifty dollars, who becomes the constable instead of him. I think therefore that magistrates and constables ought to be appointed, as we have determined upon the election of the judges by the people. If this section is passed over until the other section comes up, I will move an amendment to it; and I therefore move to pass over this informally now.

Mr. HEBB. I hope the proposition to postpone the section will not be agreed to. We have had ample time to prepare amendments to the section.

The motion to postpone did not prevail.

Mr. THOMAS moved to insert in the line after the words "as the case may be," the words "or if for the recovery of a fine, penalty or forfeiture, to the criminal court."

Mr. AUDOUN accepted the amendment.

Mr. DANIEL. I move to strike out from the original section down to "action" in the fourth line, and to insert "the judges of the several courts shall appoint."

Mr. STOCKBRIDGE. It occurs to me, and I wish the convention would give attention to this point, that we are no longer upon the courts of the city of Baltimore, but legislating for the whole State; and the gentleman's amendment is defective in that it makes no provision except for the appointment of justices of the peace in Baltimore city. The article as it stands reported by the committee provides for the appointment of justices of the peace for the entire State, including the counties.

Mr. DANIEL. I did not mean to do that. I will modify my amendment by striking out "superior court and of the circuit court," and inserting "several courts." It will then apply to the whole State.

Mr. STOCKBRIDGE. I had designed to offer an amendment, and I now prefer it to the amendment of my colleague. His amendment is that they shall be appointed by the judges