

of the several courts, whether in the four courts, or in five, including the orphans' court, may be indefinite. My amendment was to strike out the words "superior court and of the circuit court" and to insert "court of common pleas and of the criminal court," the two courts which review magistrates' decisions.

Mr. DANIEL. I will accept that.

Mr. HOFFMAN. I hope the amendment will be adopted that the justices of the peace may be elected by the people.

Mr. THOMAS. The only objection I have to the amendment moved by my colleague to the original section, is this. It appears to me to give too much power to one man. In your counties the circuit judge appoints all your magistrates. And the judges in Baltimore city appoint all the magistrates of the city, some twenty-five in all. It appears to me that taking that power out of the hands of the people and putting it into the hands of one or two men is giving too much power to one or two men.

Mr. BRISCOE gave notice that at the proper time he would submit the following amendment to the original section :

Strike out section 37 down to the word "require," in the sixth line and insert :

"The county commissioners of the several counties of this State shall appoint in each election district of the several counties, and the orphans' court of the city of Baltimore, shall appoint for the city of Baltimore, such number of justices of the peace, as the wants and interests of the people may require."

Mr. DANIEL. One word with regard to giving the judges the appointment in the counties of the State. I think he is an eminently proper person to appoint these magistrates, because it has been said that the judges review the decisions of the magistrates. It is known that under the old constitution the governor appointed. We have thought it better to put it into the hands of the judge, because the judge, being generally a resident of one county, and having intimate knowledge of the people of the counties, can easily appoint people capable of serving properly.—As he has to review their decisions, both criminal and civil, it will be for the interest of every judge sitting on the bench to appoint such men as magistrates as will do justice to both the civil and criminal jurisdiction given to them. The judge will necessarily have information, sitting in the county three or four terms every year; and especially as we are increasing the number of circuits, his knowledge will be almost as intimate as that of any man in the county; and besides he can call to his aid men whom he knows in the county. I think that it ought to be taken out of the hands of the people at this time, and indeed for all coming time they ought to be appointed instead of elected.

Mr. RUSSELL. I hope the section reported

by the committee will be adopted. I think the people in the county I in part represent are perfectly sick of the election of magistrates and constables, and would like to see it changed. I think the plan of appointment by the judge a very good one, and I should like to see it adopted.

Mr. AUDOUN demanded the yeas and nays, but they were not ordered.

Mr. STIRLING. This amendment is perfectly proper. It does not decide anything at all, but is merely to perfect the original section. It is necessary to change the language of the section because it is inconsistent with what the house has already done.

Mr. AUDOUN. I desire to say to the house that this amendment instead of providing for the election of magistrates provides for their appointment.

Mr. STIRLING. No, sir; it does not provide either for their election or appointment. The report of the committee provides for their appointment, but this amendment is merely a verbal change in the report, striking out certain judges and inserting others; and has no effect whatever upon the question of their appointment.

The amendment submitted by Mr. STOCKBRIDGE, and accepted by Mr. DANIEL, was adopted.

Mr. BRISCOE submitted the following amendment :

Strike out section 37 down to the word "require," in the sixth line and insert :

"The county commissioners of the several counties of this State shall appoint in each election district of the several counties, and the mayor and city council of the city of Baltimore, shall appoint for the city of Baltimore, such number of justices of the peace as the wants and interests of the people may require."

Mr. BRISCOE said : I propose this amendment because I really believe that so far as the selection of justices of the peace is concerned, the appointment of the court could only be suitable in the community in which the judge resides. In the ordinary course of things the judges are not presumed to be acquainted with the people of their whole circuits. I think it is better therefore to leave it to the county commissioners, who are intimately acquainted with the men in every section of the county, and who I think could more efficiently perform the duty.

Mr. STOCKBRIDGE. At the time this report was made there was a report pending before us which provided for the appointment of constables in another way. As it now stands they are nowhere provided for. I suggest to the gentleman to insert the words "and constables" after the words "justices of the peace," so as to read "justices of the peace and constables."

Mr. BRISCOE modified his amendment accordingly.