

Mr. DANIEL. I hope the amendment will be adopted.

The amendment was adopted—ayes 35, nays 17.

Mr. STIRLING submitted the following amendment:

Strike out the words "as the wants and interests of the people may require," and insert "as now are or may hereafter be fixed by the general assembly."

Mr. STIRLING said: I prefer to leave it to the legislature, for I think it is too large a discretion for the county commissioners to increase the number of justices of the peace and constables as they may choose.

The amendment was agreed to.

On motion of Mr. STOCKBRIDGE,

The words "and constables" were also inserted in line eight, after the words "justices of the peace."

Mr. THOMAS submitted the following amendment:

After the word "law," in the thirteenth line insert:

"And shall be subject to removal by the judge of the county or city having criminal jurisdiction, for wilful neglect of duty or misdemeanor in office, on conviction in a court of law."

Mr. THOMAS said: As the law now stands the magistrates and constables are the only two officers not removable for malfeasance. I have myself known them to be convicted of malfeasance in office, and pay their fines and go to work and perpetrate the same crime over again. Whether elected by the people or appointed the power should reside somewhere to remove them as we may remove judges. For that reason I offer this amendment.

The amendment was adopted.

Mr. KEEFER moved to amend the substitute by inserting in the fifteenth line, after the words "in the event of," the words "any two or more persons who shall have the highest and an equal number of votes or."

Mr. AUDOUN accepted the amendment.

Mr. KEEFER moved to amend the substitute by inserting in the eighteenth line, after the words "and in case," the same clause.

Mr. AUDOUN accepted the amendment.

Mr. STOCKBRIDGE. I ask the attention of the convention to an amendment which is in my judgment very important. I move to strike out from the substitute offered by my colleague (Mr. Audoun) the following words, at the close of the section:

"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."

In the first place, if such a principle is to be enunciated or is to be adopted by the convention, it does not belong to the section where it is placed. It is in a section relative to jus-

tics of the peace and constables of the State; and this has appended to it a clause with reference to the police force of the city of Baltimore. The first practical result of the adoption of that, which I can see, would be to inaugurate civil war in the city. It is evidently designed entirely to extinguish the existing police system of the city and to inaugurate a new force under new conditions, but it provides, rather loosely it seems to me, that they shall have "exclusive power to create, organize and govern such police force for the good government of said city as they may deem necessary." There is already there such a police force as the general assembly deem necessary. Are there to be two distinct systems in force in the city? That is the first effect of it, that it does not extinguish the present system, but authorizes, or rather makes imperative upon the mayor and city council of Baltimore to inaugurate such force as they may deem necessary. It is entirely different from the provision of the old constitution or of any constitution that ever existed. It will not, I am persuaded accomplish its purpose. I see nothing of value in it. I am perfectly willing to leave that matter in the control of the general assembly. I desire the convention to consider its practical effect. It seems to aim to effect in a covert way what could not be effected in an open way and standing by itself. It is smuggled in at the end of this very long section to which it does not belong, and I hope it will be stricken out.

Mr. AUDOUN. I am not in the habit of engaging in "smuggling." I think if my colleague will look at the present constitution he will find the same provision I have offered here as a substitute for this section contained in the present constitution. As a representative of the city of Baltimore, representing a certain portion of the people there, I only ask this convention to give them the control of their police; to give them what the counties have, the control of their police system. I ask nothing more. I had no other object in view at the time I offered this substitute.—I do not desire, nor do I think that this convention for a moment suspects me of smuggling anything into this convention or into this constitution.

Mr. STOCKBRIDGE. I wish merely to correct an error into which my colleague (Mr. Audoun) has fallen. He seems to suppose that this provision is the same as that in the existing constitution. I wish the convention to note the difference. The clause he offers is this:

"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."

The provision in the existing constitution reads: