

measures as would best advance their interests. With regard to the magistracy, they are the men who are to execute the laws, and I believe the majority of my people intended that I should come here and vote for the elective system, because they desire to have an opportunity to select their own rulers. I believe that if the gentlemen from the counties will think for a moment what are the wants of their people, they will find that they are in the same situation with myself to-day.

Mr. STIRLING. I shall vote against this amendment, not because I have made up my mind against the election of justices, but because this amendment embraces both justices and constables; and I think that the present system of electing constables is perfectly absurd. In the first place the idea that the number of constables should correspond with the number of districts, is an absurdity upon its face. Some wards and some election districts may require a greater number of constables than others. The difficulty with us is that there are too many constables. It is not easy to get a good constable. To become a good constable a man must make a business of it. And the present system requires so many that men cannot get a living at it. There are more constables than there is a necessity for. We do not want forty-eight constables. There is no necessity for it. They cannot live; and the office very often goes begging. Men submit to put their names on the tickets more for amusement than anything else. Half of them if they are elected never serve at all. I have made up my mind to vote for the report of the committee as it stands; but I must say that it is so great an alteration that I am rather inclined to vote for election.

Mr. THOMAS. It occurs to me that the suggestion of the gentleman from Worcester (Mr. Purnell) is a very proper one, and that while it would be very proper for the people to elect the justices of the peace, it would be very proper to give to the county commissioners and the mayor and city council of the city of Baltimore, as they now have in case of vacancy, the power to appoint the constables, and also to diminish the number of constables; to allow the county commissioners and the mayor and city council of Baltimore to fix the number of constables required. In order to take the sense of the convention on that, I move to strike out of the section offered by my colleague (Mr. Audoun) the words "and constables" wherever they occur. The amendment was rejected.

Mr. STOCKBRIDGE moved to amend the substitute by inserting the word "incompetency" before the words "wilful neglect of duty."

The amendment was agreed to.

The question recurred on Mr. AUDOUN'S amendment as amended.

Mr. DANIEL demanded the yeas and nays, and they were ordered.

Mr. HEBB. This provides that the general assembly shall fix the number, and that they are to be elected at the next general election thereafter, so that they will be elected two years from this fall.

Mr. DANIEL. I will suggest that it is of no use to amend it further until we see whether we want it or not. If we vote this down the appointive system stands as the system.

The question being taken, the result was—yeas 21; nays 38—as follows:

Yeas—Messrs. Annan, Audoun, Blackiston, Brooks, Cunningham, Davis, of Washington, Dellinger, Ecker, Hatch, Hoffman, Keefer, Kennard, Larsh, Morgan, Nyman, Sneary, Stockbridge, Swope, Thomas, Wickard, Wooden—21.

Nays—Messrs. Goldsborough, President; Abbott, Baker, Billingsley, Briscoe, Carter, Chambers, Daniel, Davis, of Charles, Duvall, Earle, Farrow, Galloway, Greene, Hebb, Hollyday, Hopkins, Hopper, King, Lee, McComas, Miller, Mullikin, Murray, Negley, Parker, Parran, Purnell, Russell, Schley, Scott, Smith, of Worcester, Stirling, Sykes, Todd, Turner, Valliant, Wilmer—38.

The substitute moved by Mr. AUDOUN was accordingly rejected.

Mr. DANIEL submitted the following amendment to section 37:

Strike out the words "justices of the peace and," and insert after the word "constables," "and the judges of the circuit courts of the several counties, and the judges of the court of common pleas and the criminal court of Baltimore city, such a number of justices of the peace."

Mr. THOMAS. Has not that already been decided by the convention?

The PRESIDENT. This question has been once voted upon, and cannot be offered again.

Mr. DANIEL. I think that the proposition was to appoint both constables and justices of the peace. I move so to amend that the county commissioners shall appoint the constables, and the judges the justices of the peace.

The PRESIDENT. That proposition has not been distinctly voted upon by the convention, and is in order.

On motion of Mr. PURNELL,

The convention took a recess until half-past 3 o'clock, P. M.

AFTERNOON SESSION.

The convention met at half-past three o'clock, P. M.

The roll was called, and the following members responded to their names:

Messrs. Goldsborough, President; Abbott, Abbott, Annan, Baker, Cushing, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Farrow, Greene,