

Hebb, Hoffman, Hollyday, Hopkins, Hopper, Keefer, Lee, McComas, Morgan, Murray, Negley, Nyman, Parran, Purnell, Russell, Schley, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Turner, Wooden—41.

There being no quorum present,
Mr. FARROW moved a call of the convention;

The motion being sustained,
The roll was called, and the following members responded:

Messrs. Goldsborough, President; Abbott, Annon, Baker, Blackiston, Cushing, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Farrow, Greene, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Keefer, Lee, McComas, Morgan, Murray, Negley, Nyman, Parran, Purnell, Russell, Schley, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Turner, Wooden—39.

On motion of Mr. FARROW,
The sergeant-at-arms was sent after the absent members, and was ordered by the president to remain at the cars until they should depart from the city.

The PRESIDENT stated that Mr. Brooks had been allowed leave of absence, and would be permitted to leave.

The roll was again called, and the following members responded:

Messrs. Goldsborough, President; Abbott, Annon, Audoun, Baker, Billingsley, Blackiston, Bond, Briscoe, Carter, Chambers, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Farrow, Galoway, Greene, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Keefer, Kennard, King, Larsh, Lee, Markey, McComas, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Purnell, Russell, Schley, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Turner, Valliant, Wickard, Wooden—60.

Mr. BILLINGSLEY moved to dispense with further proceedings under the call.

The motion was rejected.

Mr. STIRLING moved to suspend further proceedings under the call.

Ruled out of order, the mace not being returned.

The sergeant-at-arms returned and reported that he had notified all the absentees he could find in the city.

On motion of Mr. STOCKBRIDGE,

Further proceedings under the call were dispensed with.

JUSTICES OF THE PEACE AND CONSTABLES.

The convention resumed the consideration of the report of the committee on the judiciary department on its second reading.

The pending section was the 37th, which was read as amended, as follows:

“Section 37. 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 and constables as now are or hereafter may be fixed by the general assembly. They shall certify their appointment so made to the governor, by whom the appointees shall be commissioned as justices of the peace and constables of the State of Maryland, in and for _____ county and city. The justices so appointed and commissioned shall be conservators of the peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal as hath been heretofore exercised, or shall be hereafter prescribed by law, 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.”

The pending question was on the amendment submitted by Mr. DANIEL, as follows:

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. I hope before the convention votes upon this proposition that they will hesitate and think. The proposition of my colleague has just been rejected by this convention. They have voted that in no case will they allow the judge of the courts to appoint magistrates and constables. They have voted in lieu thereof that that power shall be exercised by the county commissioners of the counties, and the mayor and city council of Baltimore. Now the proposition comes back again to undo just what the convention has done, to give to the courts of the respective counties and of the city the power to appoint your magistrates. All I have to say in relation to this proposition is, that if you want to make the judges of your courts buckstering shops for the purpose of dealing out the offices of justice of the peace, using them for political capital, then give the judges of your courts the appointment of your magistrates, and thus degrade the judiciary of your State beneath anything heretofore attempted in the State of Maryland. What has been the whole argument of the gentlemen who have favored the appointment of your judiciary? It was to keep your judiciary as pure as it could be kept. Suppose you give to the judges of your courts the power to appoint your magistrates, what will be the result? In the city of Baltimore we have some thirty odd magistrates, two in some wards and one in the others. The moment you give that power to