

have in many counties a judge for each county, and in small counties a judge for two counties—they would be beyond the control of political influence far more than the mayor and city council of the city of Baltimore, or the county commissioners of the counties, who are elected every two years from the people, and who would be looking forward to the men whom they could make use of in their re-election.

I think too that it would add dignity and importance to the office of justice of the peace, if they were appointed by the court. And as we have already said that the county commissioners shall appoint the road supervisors, and as I propose to leave in this section the provision that they shall appoint the constables, I think that the appointment of road supervisors and constables will be a pretty good duty; and that we may as well divide the work of appointment a little, and give the judges of the courts the appointment of justices of the peace. I think that would work better every way.

Mr. NEGLEY submitted the following amendment to the amendment

Strike out "judges of the circuit court of the several counties, and the judges of the court of common pleas and the criminal court of Baltimore city," and insert "the governor by and with the advice and consent of the senate."

Mr. MILLER. I would like to ask the gentleman from Baltimore city (Mr. Daniel) how he proposes that the two judges shall act in case they differ about the appointment. There are two men to make the appointment; and if they differ no justice of the peace could be appointed.

There is a great deal of force in what the gentleman from Baltimore city has said with regard to the importance of having the appointments made free from all political interference; for a justice of the peace is very much such an office as that of judge. For that reason at a previous session of the convention I voted against the election of justices of the peace. The governor has had in former times the appointment of all justices of the peace in the State. It is not in derogation of that principle in our declaration of rights that all government of right originates in the people, that the governor should have the appointment of these officers, because that was in our old constitution of 1776, and has been in our constitution down to the present time. Our government has been a government of the people from the revolution down, notwithstanding the fact that some of the officers came from the governor. It is very right, I think, if we take it away from the county commissioners and give it to anybody else, that it should go back to what is known in this country as the appointing power, the executive branch of the gov-

ernment, by and with the advice and consent of the senate.

The amendment to the amendment was agreed to.

The question recurred on the amendment as amended.

Mr. NEGLEY moved to reconsider the vote by which Mr. AUDOUN's amendment was rejected.

The PRESIDENT. The vote must first be taken on the pending amendment.

Mr. THOMAS. Will it be in order to reconsider afterwards?

The PRESIDENT. Yes, sir. The question is now upon the amendment of the gentleman from Baltimore city (Mr. Daniel,) as amended, to the amendment of the gentleman from Calvert (Mr. Briscoe.)

Mr. STIRLING. This amendment is not an amendment to the amendment of the gentleman from Calvert; for it proposes to strike out from that amendment words which are not in it.

Mr. DANIEL. No; I proposed to strike out "justices of the peace."

Mr. BRISCOE. The amendment which I offered to the original section was carried. It then became a part of the original section. Now the proposition is to amend the section as amended by the adoption of my proposition.

The PRESIDENT. Yes, sir; the amendment is to that part of the section amended on motion of the gentleman from Calvert (Mr. Briscoe.)

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

The question being taken on Mr. DANIEL'S amendment as amended, the result was—yeas 32, nays 27—as follows:

Yeas—Messrs. Annan, Baker, Bond, Chambers, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Galloway, Greene, Hebb, Hollyday, Hopkins, Hopper, Lee, McComas, Miller, Mullikin, Murray, Nyman, Parker, Purnell, Russell, Schley, Scott, Smith, of Worcester, Sneary, Stirling, Swope, Sykes, Todd—32.

Nays—Messrs. Goldsborough, President; Abbott, Audoun, Billingslev, Blackiston, Briscoe, Carter, Dellinger, Duvall, Ecker, Farrow, Hatch, Hoffman, Keefer, Kennard, King, Larsh, Markey, Morgan, Negley, Parman, Stockbridge, Thomas, Turner, Valliant, Wickard, Wooden—27.

When their names were called,

Mr. CUNNINGHAM asked to be excused from voting. Not being excused, he voted "aye."

Mr. ECKER said: I do not care which way it goes. I am inclined to think we shall be under the necessity of employing an attorney at any rate to explain this particular clause in the constitution if we want to know what it means; and in order to save that ten dollar note which must go into somebody's pocket, I vote "no."