

advice and consent of the senate shall appoint such number of justices of the peace, and the county commissioners of the several counties, and the mayor and council of the city of Baltimore shall appoint such number of constables for the several election districts of the counties and wards of the city of Baltimore as are now or may hereafter be prescribed by law, and justices of peace and constables so appointed shall be subject to removal by the judge having criminal jurisdiction in the county or city, for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a court of law. The justices of the peace and constables 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."

The amendment was agreed to.

The question was stated upon the adoption of the section as amended.

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

The question being taken, the result was—yeas 38, nays 19—as follows :

*Yeas*—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Bond, Chambers, Cunningham, Cushing, Daniel, Earle, Farrow, Galloway, Greene, Hatch, Hebb, Hollyday, Hopkins, Hopper, Lee, Markey, McComas, Miller, Mullikin, Murray, Nyman, Purnell, Russell, Schley, Scott, Smith, of Worcester, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant—38.

*Nays*—Messrs. Billingsley, Blackiston, Briscoe, Davis, of Washington, Duvall, Ecker, Hoffman, Kefer, Kennard, King, Larsh, Morgan, Negley, Parker, Parran, Sneary, Turner, Wickard, Wooden—19.

When his name was called,

Mr. THOMAS said : For the purpose of moving a reconsideration I vote. "aye."

The section as amended was accordingly adopted.

Mr. TODD. I move that the convention adjourn.

Mr. MILLER. I move that the order providing for three sessions a day be rescinded. Our experience this afternoon has shown that we cannot get along without the journal before us. When we take a recess the journal goes into the hands of the printers.

Mr. STOCKBRIDGE. There are but two more sections in this report. It will take us but a few minutes to dispose of them.

Mr. THOMAS. I move that the convention take a recess.

The question being taken upon the motion to take a recess, it was rejected.

Mr. CHAMBERS. I ask for an explanation of the ruling upon the order about the adjournment. We have voted in every sort of

way about adjournment. We have voted to adjourn from Friday to Monday in defiance of the order. We have voted to adjourn from one morning to the next morning in defiance of the order, and now I understand that the chair refuses to receive a motion to adjourn in consequence of the order.

The PRESIDENT. No, sir. The gentleman from Kent misunderstands. There were two motions pending—one to adjourn, carrying the convention over to to-morrow morning, and the other to take a recess, carrying the convention over until eight o'clock this evening. The latter motion the chair regarded as a privileged question, being in accordance with the order adopted by the house, and therefore took the vote on that question.

Mr. BRISCOE. I move that the convention adjourn.

Mr. STIRLING. What effect will that have?

The PRESIDENT. It will carry us over until to-morrow.

Mr. STIRLING. Is that in order?

The PRESIDENT. Yes, sir.

Mr. DANIEL. I thought that when we had solemnly adopted an order it had to be rescinded by another order.

The PRESIDENT. It is not a standing order of the house. The order is a determination of the house to hold three sessions a day. The house can now determine otherwise. The order is operative only so long as it is the pleasure of the house.

Mr. DANIEL. Can it be departed from by a mere motion?

The PRESIDENT. A motion to adjourn is equivalent to a motion to suspend the order for to-day and to adjourn. If the house desires to hold three sessions to-day it can do so.

Mr. MORGAN. I ask leave to offer an order.

Mr. STOCKBRIDGE. Is that in order?

The PRESIDENT. Not without a suspension of the rules.

Several members objected.

Mr. DANIEL. Has not the chair decided that a motion to adjourn simply took us over to the evening session?

The PRESIDENT. Yes, sir. But the chair was in error at that time. A motion to adjourn is always in order, and it will take the house over until to-morrow morning.

Mr. ABBOTT. What becomes of the order to hold an evening session if the house adjourns?

The PRESIDENT. It is suspended *pro tanto*, only for that evening. It does not prevent the operation of the order to-morrow. It still stands to-morrow just as operative as it is to-day. To rescind the order would require a notice of one day.

Mr. DANIEL. I give notice that if the motion to adjourn shall be voted down, I shall move to take a recess until eight o'clock.