

Mr. HEBB. I move that the convention now take a recess.

Mr. VALLIANT. We have just voted that down only five minutes ago.

The PRESIDENT. The motion to take a recess is a privileged question, being in conformity with the order of the house. The motion to adjourn having intervened, the motion to take a recess can be renewed.

The motion was agreed to—ayes 32, noes 28.

The convention accordingly took a recess until 8 o'clock, P. M.

EVENING SESSION.

The convention met at 8 o'clock, P. M.

The roll was called, and the following members answered to their names.

MEMBERS. Goldeborough, President; Abbott, Annan, Audoun, Baker, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Keefer, Kennard, King, Larsh, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Russell, Sands, Schley, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wickard, Wooden—50.

JUDICIARY DEPARTMENT.

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

The next section was read as follows :

PART VII.

Sheriffs, &c.

"Section 38. There shall be elected in each county and the city of Baltimore, in every second year, one person resident in said county or city, above the age of twenty-five years, and at least five years preceding his election a citizen of this State, to the office of sheriff. He shall hold his office for two years and until his successor is duly qualified, and shall be ineligible for two years thereafter, shall give such bond, exercise such powers, and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, refusal to serve or neglect to qualify or give bond, by disqualification or removal from the county or city, the circuit court shall appoint a person to be sheriff for the remainder of the official term."

Mr. THOMAS. I move to strike out in the sixth line the words "and shall be ineligible for two years thereafter." The object of that amendment is to bring up the question whether sheriffs shall be eligible or ineligible to reelection. It seems to me that there is no necessity for this clause in the constitution any longer. I hold that the reason of it, at the time it was introduced, was, that the sheriffs

of the several counties were collectors of the taxes; and it was therefore very proper that they should be ineligible. Now the sheriffs are not collectors of taxes; and about the time the sheriff begins to understand his duty this requires him to go out of office. If the people find that they have got a good sheriff, after two years service, I think they ought to have the power to re-elect him if they think proper.

The amendment was agreed to.

Mr. NEGLEY moved to amend by striking out "two" in the fifth line, and inserting "four."

Mr. SCHLEY. I hope the convention will not hastily adopt these changes. It seems to me that they are very important. It seems to me that to strike out "two" and insert "four," and to strike out "and shall be ineligible for two years thereafter," which has been done, but I did not imagine it would be done or I should have spoken upon it before, are important changes. For a long time this has been the custom in this State, and why it should be changed now, I am at a loss to conjecture. I hope before this is acted upon some further consideration will be given to it. For myself I shall oppose this amendment.

Mr. SANDS. I agree entirely with the sentiments expressed by the gentleman from Frederick (Mr. Schley,) and I will state very valid reasons that ought to commend themselves to the judgment of this body. If it were proper to do so I would also suggest to some gentlemen who voted for it, reasons why, upon mature deliberation they should move a reconsideration of the vote agreeing to the motion of the gentleman from Baltimore city, by which this section has already been amended. The reason for that clause being incorporated in the section originally was not merely that sheriffs were collectors of taxes. I know of no office in which a man can wield more political power than as sheriff of your city or county. From the nature of his official duties, he wields such a tremendous power over the people that he can exercise more influence over the community at large than the judge on the bench or any other officer of the State. I believe that this interval between the terms of a sheriff was provided, simply that they might be deprived of the power of holding the rod over any man's head at our election time, saying, "I will make my levy, or I will hold on and will not make my levy; what will you do on an election day?"

Another reason, which is a very strong one. We know that the disease of sheriffs indulging the people, even when there is to be an interval of terms, has grown to be chronic. How many sheriffs in the State of Maryland ever complete their business up to the end of their two years—sheriffs or collectors either? Is it not a matter of public notoriety how much the sureties of sheriffs all over the State