

vote by which the following section was adopted :

"Sec. 37. The governor by and with the 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 city 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 motion to reconsider was seconded by Messrs. THOMAS and MARKEY.

Mr. BRISCOE. I would like to know what object gentlemen have in moving this reconsideration.

Mr. THOMAS. The motive I had in seconding the motion to reconsider was to have the justices of the peace elected by the people, and the constables appointed by the commissioners of the counties, and the mayor and city council of Baltimore. That is my object. And at the time I voted for the section, I stated that I did so for the purpose of moving a reconsideration when there was a full convention.

Mr. BRISCOE. The convention has expressed its desire not to have the justices of the peace elected by the people.

Mr. MILLER. There was a very decided vote in the convention on two different occasions in favor of having the justices of the peace appointed, instead of elected. At one time by a very decided vote they gave the appointment to the commissioners. But upon further reflection, they amended that so as to give the appointment of justices of the peace to the governor, by and with the advice and consent of the senate. The vote by which the appointment was given to the governor stands recorded upon the journal as yeas 38, nays 19. Some of the gentlemen may have voted in the affirmative with a view to a reconsideration. But I do not think we have a much fuller house this morning than we had then.

It is not necessary to go over the arguments to the house in favor of the appointment of these officers. It was fully discussed and argued when it was under consideration before, and unless some extraordinary new light has shone in upon the minds of the members of this convention, I should suppose

that the former discussion was sufficient to show that the proper course to be pursued was that which the convention determined upon. I hope the vote will not be reconsidered, because the object of the reconsideration is simply to put us back again, if possible, to the elective system, which we have got rid of by this section.

The question was upon the motion to reconsider.

Upon this question, Mr. SMITH, of Carroll, called for the yeas and nays, which were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 38, nays 41—as follows:

*Yeas*—Messrs. Annan, Audoun, Baker, Barron, Billingsley, Briscoe, Brooks, Carter, Cunningham, Davis, of Charles, Davis, of Washington, Dellinger, Duvall, Ecker, Galloway, Hatch, Hoffman, Johnson, Keefer, Kennard, King, Larsh, Markey, Mayhugh, Morgan, Negley, Parran, Ridgely, Sands, Schlosser, Smith, of Carroll, Smith, of Dorchester, Swope, Thomas, Todd, Turner, Wickard, Wooden—38.

*Nays*—Messrs. Goldsborough, President; Abbott, Blackiston, Bond, Brown, Chambers, Clarke Crawford, Cushing, Daniel, Dent, Earle, Farrow, Greene, Hebb, Henkle, Hollyday, Hopkins, Hopper, Horsey, Lansdale, Lee, Marbury, McComas, Miller, Mullikin, Murray, Nyman, Parker, Peter, Pugh, Purnell, Russell, Scott, Smith, of Worcester, Sneyary, Stirling, Stockbridge, Sykes, Valliant, Wilmer—41.

The motion to reconsider was accordingly rejected.

On a motion of Mr. THOMAS,

The following was adopted as an additional section in relation to Baltimore city courts :

"Sec. —. All causes pending in the several courts of Baltimore city, at the adoption of this constitution, shall be prosecuted to final judgment as though the jurisdiction of the several courts in which they may be pending had not been changed."

No further amendment was offered to the report.

The question was upon ordering the report as amended to be engrossed for its third reading.

Mr. STIRLING. If this report is ordered to be engrossed for its third reading, it cannot be altered in any respect, except by the consent of a majority of the members elected to this convention, or by a suspension of the rules, which will require a three-fifths vote. There may be some changes necessary, which can only be told when we have had an opportunity to examine it as amended, and as there is plenty of work for us to do, I move that this report as amended be printed, and that its further consideration be postponed for the present.

The motion was agreed to.