

in Baltimore city by wards. They did not receive fees according to the amount of justice rendered, but all of the fees received by them were paid into one common stock, and when it had accumulated to a handsome sum, it was divided among them. That system was found to work well, because its tendency was to promote justice and purity, and make it not the interest of officers to bring about litigation, in order to fill their own pockets. Now, what was the objection to the collection of fees by wards, or districts? There were many wards in Baltimore city, where there were no Justices of the Peace at all, nor were their services required. Better leave the whole regulation of this matter to the Legislature.

Mr. BOWIE moved to strike out the 21st section of the report, and substitute in lieu of it the following:

"Justices of the peace and constables for this State for the several counties and the city of Baltimore, shall be elected by the qualified voters of the county or city, for which the election may be held, and shall hold their offices for the term of two years, and until their successor shall have been elected and shall have qualified, and the General Assembly shall by law, prescribe the number of justices of the peace and constables, for each county and city, their duties and emoluments, the time, place and manner of holding elections, the mode of making returns thereof, rules for determining contested elections, for certifying the election and qualification of the person elected, and for filling all vacancies which may occur, but no person shall be a justice of the peace and constable, for any county or city, who shall not be entitled to vote therein at the time of the election."

Which was read.

Mr. SHRIVER liked the proposition of the gentleman from Prince George's (Mr. Bowie,) much better than the section reported by the committee. He thought "constables" ought however, to be included, and that the details should be left to be carried out by the Legislature. He was disposed to elect all public officers by the people—no matter what they were.

Mr. SPENCER said he declined to accept the modification proposed by the gentleman from Prince George's.

Mr. BUCHANAN was unwilling to submit more to the Legislature than could be avoided, but still there were intrinsic difficulties in the way, and it was impossible to make a Constitutional provision embrace everything that might be desired in reference to those public officers. He thought, on the whole, that the proposition of the gentleman from Prince George's was a very good one, and he would give it his support.

The question recurred upon the amendment as offered by Mr. SPENCER.

On motion of Mr. SHRIVER,

The amendment was amended by inserting after "justices of the peace," the words "and constables."

The question then recurred upon the adoption of the amendment as amended.

Mr. WEEMS moved for a division of the question upon each branch of the amendment.

The question then recurred on the first branch of said amendment, being in these words, "The Legislature shall prescribe the number of justices of the peace and constables in each of the counties in this State and in the city of Baltimore."

Mr. SPENCER demanded the yeas and nays, which being ordered and taken, resulted as follows:

*Affirmative*—Messrs. Randall, Weems, Dalrymple, Howard, Lloyd, Colston, Phelps, McCullough, Miller, Spencer, Grason, George, Wright, Shriver, Carter, Thawley, Stewart of Caroline, Harcastle, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Fiery, Anderson, Parke, Shower and Brown—28.

*Negative*—Messrs. Chapman, President; Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Dorsey, Bond, Buchanan, Bell, Sherwood of Talbot, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Bowie, Sprigg, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Annan, Stephenson, McHenry, Nelson, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Fitzpatrick, Smith and Cockey—43.

So the first branch of the amendment was rejected.

Mr. HOLLIDAY moved to amend the twenty-first section by striking out from the beginning of the section to the word "Baltimore" inclusive, in the third line, and inserting in lieu thereof, the following:

"Before every election of justices of the peace under this Constitution, it shall be the duty of the county commissioners to apportion amongst election districts in each county, the number of justices of the peace necessary to discharge the public business."

On motion of Mr. PHELPS, the amendment was amended by inserting after the words "Justices of the Peace," the words "and Constables."

The question then recurred on the adoption of the amendment as amended.

Mr. SPENCER said:

He was sorry that he could not vote for the amendment of the gentleman from Allegany. In his, (Mr. S.'s,) opinion, if it was left to each county to regulate the number of their municipal officers, they would become nothing but political machines. A worse system could not be devised. We knew how it was with constables, and it would be much worse in regard to magistrates.

Mr. HOLLIDAY. It is not saying much for the elective principle.

Mr. BROWN advocated the amendment of the gentleman from Allegany, (Mr. Holliday,) declaring that he had every confidence in the local authorities, and believed that they were the best judges of the wants of the community. He differed entirely from the gentleman from Queen Anne's.

Mr. SPENCER had, he said, as much confidence in the local authorities as any other gentleman, but he was averse to creating excitement every