

And the question being taken, it was determined in the affirmative.

Mr. BRENT, of Baltimore city, then moved to amend the twenty-first section of the report, by adding at the end thereof the following :

"But it shall be competent for the mayor and city council of Baltimore, to provide by ordinances, from time to time, for the raising and regulation of such temporary additional police or special constabulary force as they may deem necessary and proper."

Which was read.

Mr. BOWIE contended that the mayor and city council had that power under the present charter. When this Constitution distinctly defined the duties of constables, it did not allude to police, who were required to preserve the peace of society. And, when this Convention undertook to say that the officers in each ward of Baltimore city should do so and so, we meant, of course, such officers as were known to the law. We meant that they should arrest criminals. He repeated that there was no reference to police officers; therefore he could see no necessity for the insertion of such a provision in the Constitution.

On motion of Mr. BLAKISTONE,

The amendment was amended by adding at the end thereof the words "to preserve the public peace."

The question then recurred on the adoption of the amendment as amended; and

The question having been taken—it was determined in the affirmative.

The twenty-first section was then adopted as amended.

The twenty-second section of the report being under consideration, was then read as follows :

Section 22. Sheriffs shall be elected in each county, and in the city of Baltimore, every third year, that is to say, two persons for the office of sheriff for each county, and two for the said city, the one of whom, having the highest number of votes of the qualified voters of said county, or city, or if both have an equal number, either of them, at the discretion of the Governor, to be commissioned by the Governor for the said office, and having served for three years, such person shall be ineligible for the four years next succeeding; bond with security, to be taken every year as usual, and no sheriff shall be qualified to act before the same be given. In case of death, refusal, disqualification or removal out of the county before the expiration of the three years; the other person chosen as aforesaid shall be commissioned by the Governor to execute the said office for the residue of the said three years, the said person giving bond with security as aforesaid. No person shall be eligible to the office of sheriff, but a resident of such county or city respectively, and who shall have been a citizen of this State at least five years preceding his election, and above the age of twenty-one years. The two candidates, properly qualified, having the highest number of legal ballots, shall be declared duly elected for the office of sheriff for such county or city, and returned to the Governor

with a certificate of the number of ballots for each of them.

Mr. BLAKISTONE moved to amend the section by striking out the word "third" in the 2d line thereof;

And the question having been taken, it was determined in the affirmative.

Mr. BLAKISTONE then moved to fill the blank with "two."

Mr. DORSEY moved to fill the blank with "four."

The question was first taken on filling the blank with "four," being the highest number; and

Mr. FITZPATRICK demanded the yeas and nays, which being ordered and taken,

Resulted as follows:

*Affirmative*—Messrs. Ricaud, president *ro tem.*, Dorsey, Wells, Kent, Dashiell, Williams, Hodson, Chambers of Cecil, McCullough, Miller, Bowie, Tuck, Bowling, Grason, George, Wright, McMaster, Fooks, Shriver, Gaither, Biser, Annan, Stephenson, Neill, John Newcomer and Waters—26.

*Negative*—Messrs. Morgan, Blakistone, Hopewell, Lee, Sellman, Weems, Bond, Howard, Buchanan, Bell, Welch, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Constable, Dirickson, Jacobs, Johnson, McHenry, Magraw, Carter, Thawley, Hardcastle, Gwinn, Stewart of Baltimore city, Sherwood of Balt. city, Ware, Schley, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke and Cockey—39.

So the convention refused to fill the blank with "four."

The question then recurred and was taken on the motion of Mr. BLAKISTONE, to fill the blank with "two;" and

Determined in the affirmative.

On motion of Mr. DORSEY,

The 22d section was amended by striking out in the 1st line the word "Sheriffs," and inserting the word "there," and in the 2d line strike out the words "that is to say."

Mr. SHRIVER moved further to amend the section by striking out after the word "shall," in the 7th line, to the word "succeeding," inclusive in the 8th line, and insert "give."

And the question having been taken, it was determined in the negative.

Mr. DORSEY moved to amend said 22d section by striking out in the 7th line the word "ineligible," and inserting "re-eligible."

And the question having been taken, it was determined in the negative.

Mr. SCHLEY moved to reconsider the vote of the Convention on the amendment to said section, striking out the word "third," and inserting in lieu thereof "second."

And the question having been taken, it was determined in the negative.

The 22d section was then adopted as amended.

The 23d section of the report was then read.

On motion of Mr. BOWIE,

The section was amended by striking out in