

order to insert the words in the fifth line, "and until their successors are elected and qualified;" and the amendment was adopted.

By unanimous consent,

The word "41st" was stricken out in line nine, and "39th" inserted, to correspond with the renumbering of the sections.

Section 48d having been read,

On motion of Mr. RINGELY, and by unanimous consent,

The word "legislature" was stricken out, and the words "general assembly" were inserted in the first line.

The 44th section was read as follows:

"Sec. 44. The clerk of the court of common pleas shall have authority to issue within said city, all marriage and other licences required by law, subject to such provisions as the legislature have now or may hereafter prescribe, and the clerk of the superior court of said city shall have the custody of all deeds, conveyances and other papers now remaining in the office of said court, and shall hereafter receive and record all deeds, conveyances and other papers which are required by law to be recorded in said city. He shall also have custody of all other papers connected with the proceedings on the law or equity side of Baltimore county court, and of the dockets thereof so far as the same have relation to the city of Baltimore."

On motion of Mr. MILLER, and by unanimous consent,

The word "other" was stricken out in the ninth line, so as to read, "he shall also have custody of all papers" &c.

Mr. HEBB, by unanimous consent, submitted the following amendment:

Insert as section 26, the following:

"The judges of the respective circuit courts of this State, or of the courts of the city of Baltimore, shall render their decision in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted."

Mr. HEBB said: I have known cases retained in courts of law over two years.

The amendment was agreed to.

Section 45th having been read,

On motion of Mr. STOCKBRIDGE, and by unanimous consent,

The expression "the mayor and city council of Baltimore" was substituted for "the mayor and council of the city of Baltimore."

#### SHERIFFS, &c.

The 47th section having been read,

Mr. STOCKBRIDGE said: There is an inaccuracy in that, arising from the change in the courts of Baltimore city. It provides that in case of vacancy the circuit court shall appoint a person to be sheriff. I hope that will be modified.

Mr. STIRLING. I move to open the section

and strike out "circuit court" and insert "governor." That will apply to the whole State, and give the governor the power to fill a vacancy in the office of sheriff.

Mr. CHAMBERS. What is the difficulty as it stands?

Mr. STIRLING. We have four judges in the city of Baltimore, and the question is who shall make the appointment.

The motion to open the section was agreed to, and the amendment was adopted.

Mr. MILLER. I have another suggestion to make. The time of the election of sheriffs is not fixed.

Mr. STIRLING. I have an amendment to offer; and I do not know whether it is germane here or in the schedule. I will move to add this section to the report; and if the committee of revision think it belongs anywhere else they can change it.

"Sec. — There shall be an election held in the several counties and in the city of Baltimore, on the Tuesday next after the first Monday in the month of November in every second year. The first election to be held in the year eighteen hundred and sixty-five, at which elections all clerks of courts and registers of wills, judges of the orphans' court, sheriffs, county commissioners, and all other county officers elected by the people shall be chosen whenever an election for any such officer is required to be held, but this shall not apply to the municipal officers of any incorporated town or city."

The motion to open the report to admit the amendment was agreed to.

Mr. NEGLEY. It seems to me that this ought to go into the schedule.

Mr. STIRLING. The schedule is already passed upon.

Mr. HEBB. There is a provision now that all officers now in office shall hold their offices until their present terms expire.

Mr. MILLER. This provides for an election in 1865. Do the terms of the judges of the orphans' court expire in 1865?

Mr. MULLIKIN. I have an objection to this section, that we must have an election in the county every year.

Mr. STIRLING. That is already provided for in the constitution. It is very important that this should be perfectly clear; and as there seems to be some doubt about it, I will withdraw the amendment.

Mr. HEBB. Will it be in order to refer the amendment to the committee of revision?

The PRESIDENT. The amendment can be sent to the committee on revision to accompany the report.

Mr. HEBB. Then I make that motion.

The motion was agreed to.

Mr. MARSBURY moved to open the nineteenth section of the report, in order to restore the old circuit system.

The motion was not agreed to.

The report on the judiciary department