

Were they officers that held their term by limited power? Were they officers created by the will of the people, and not by the power of the Government? Were they officers that were not influenced by popular excitement? No, sir; it was with them as it will be with judges at all times. I care not how your judges are appointed, when popular and tumultuous revolution comes, when the overwhelming torrent of the people is turned out for good or for evil, in any revolutionary manner—whenever that shall occur, whether the judges be appointed by the Crown, by the Executive, by the Legislature, or by the people, they will be but ropes of sand. Whenever, in this country, the people shall become excited to popular phrenzy, whenever the unhallowed sentiment which was uttered by a distinguished individual of the State of New York, (Mr Seward,) distinguished from his position, having been Governor of that State, and now a Senator—whenever that sentiment shall become universal—“That there is a higher law than the law of this land,”—whenever that sentiment shall pervade the public mind, the judges will become its victims as soon as any other men. They are subject to the same passions and the same influences; they are controlled by the same prejudices, subject to the same popular phrenzy. Then this reference to popular clamor and popular excitement, can have no influence in this body in restraining or in preventing the action of this Convention in the limitation of the tenure of the office of judge.

Why, sir, will any man pretend to say, that with no limitation of the tenure of office in our State—the office being for life, or during good behaviour—that the system has worked well? I intend no attack upon the judges; I have a respect for them all; and what I say is not influenced by unkindness. In advocating the course I do here, I shall fearlessly—I will not say fearlessly, for it is not necessary—I shall speak in candor and in sincerity. I shall express my individual opinions of our judicial system, with the frankness of a man. Now, can any man say that our system has worked well? Here I intend to impeach no man who has appointed judges, nor any judge who holds office. But will any man pretend to say that the best men in our State have been appointed judges? Will any say that the most learned, talented and virtuous men have been appointed judges? I should like to see the man who would have the temerity to assert such a thing. The learned gentleman from Anne Arundel said that he could show that in some instances, they have been appointed without reference to party. This may be so I will not deny it. But is there a man in Maryland, who has any knowledge of the history of the State, who has lived among the people, who does not know that in many instances—I will not say all—the judges have been appointed by the Executive on the score of party? I know particular instances in which judges—at least the history of the times has told me so—have actually been nominated to be appointed by political conventions. Any man who is familiar with the history of Maryland, knows that judges, in some in-

stances, have actually been nominated by political conventions.

We all know, every body knows, that this is the history of the mode of appointment of judges in this State. Is it any disrespect to the judges to say so? Is not every man bound in candor to respect the history of the times, and to speak of what has taken place? I appeal to all within the limits of this State, if in view of these facts any member of this Convention, in the discussion of a question, should withhold these facts, if he would not be recreant to his trust and a coward to his duty? I say that our system has not worked well, and not having worked well, I am in favor of a new mode by which this great evil will be controlled and regulated. Sir I advocate in the strictest sense, the limitation of tenure of the office of judge. My object is to provide a system which will give us a judiciary that will be above the influence of all excitement, political or otherwise. I desire to see that system, which whilst it gives to the judges appointments for a number of years, sufficient to guarantee their independence, will at the same time hold out to them the check, that at a certain time, in the course of a certain revolution of years, their conduct is to pass in review. If you will appoint judges for a limited tenure of office, I am not tenacious whether they are elected by the people or appointed by the Governor. I prefer it is true the last mode, for when we consider man's infirmity, is it not right that this essential and necessary guarantee should be had, to secure a sound judiciary? Is it not the nature of man that if you give him unlimited power, he will abuse it? Is it not his tendency to usurp power? and to carry the power given him to the utmost extreme? We have had some extraordinary examples in this country, of men who have surrendered power.

The examples are few, and those who have done it, are held up as men of the loftiest patriotism and purity of character. But enlarge the powers of any man, I care not who, and he is a man still? Yes, sir;

“Mankind is a show-box—pull the string—
Ruling passion the picture will show him,
For in spite of his fine theoretic positions,
Mankind is a science, defies definitions.”

It is true, he has a high motive before him, inciting to the noblest action. It is true he feels that the public eye will be upon him; and the great and important obligations resting upon him. Nevertheless, he is still a man, and his tendency is to rebuke all who in any way cross his path. The same infirmity leads a judge to turn the extreme powers of his office against those who attempt to cross his path. Let me imagine, that the State of Maryland should have upon her bench a man of political passions, prejudices, and excitements, of angry feelings, and deep resentments, crafty, subtle, and cunning. Let me imagine the Court of Appeals, or any District Court, presided over by a judge of this kind. In the hands of such a man, the powers of a judge with a life tenure of office, subject to no removal except by impeachment, would be omnipotent.

This is the effect of the life tenure in office,