

and I know them to be men of probity, of honor and of virtue. What I shall say, then, must be taken in no personal or offensive sense. I think, and I have so argued here and elsewhere, that the judges of all the courts should be elected directly by the people. They are interested to the extent of all and every thing that is dear to them and to their families, in having a good, safe and impartial judiciary. When they come to act in reference to the choice of a judge, they will remember that he may be called on, in the performance of his official duties, to sit in judgment on them, and on their children, on their property, liberty, life, character; all that is dear to them; they will see the necessity of deliberation and caution; they will not act without the necessary information; and you will find by the system of popular elections, a safe and sound judiciary.

Why should not the people elect their own judges? They elect those who appoint them; they elect the governor, and he appoints the judges. If they are intelligent enough for the one purpose, they are for the other. But I do not mean to enter into this argument again. My opinions on the subject have been often expressed. I look upon an honest, upright judge about as honest as any other upright, honest man, but no more so; not a jot. I do not think that by putting a man on the bench you change his nature. If he was originally pure, the chances are that he will remain so; if not, I would not trust him as a judge any more than I would as an individual.

Why is it that so many without complaint or censure investigate the conduct of every public functionary in the land, and not that of the judges? The claims and merits or demerits of others may be canvassed and commented on, but if you dare to talk of the responsibilities of a judge, some people roll up their pious eyes, and in a plaintive voice cry out, "touch not the Lord's anointed." A judge is, after all, a man, and no more than a man; subject to the same feelings, and controlled by the same influences as other men. "If you tickle him, will he not laugh? if you probe him, will he not bleed? if you poison him, will he not die? and if you wrong him, will he not revenge?" Let the people select their own judicial officers for a limited number of years. Let the judge feel his responsibility to the people, and there is no danger of continued judicial abuse.

Mr. Hicks. I had not intended to say another word, and I now merely wish to reply to the gentleman who has just taken his seat, (Mr. Buchanan.) I am perfectly willing to concede to him a very great love for the dear people. But this discussion has only satisfied me the more perfectly of what I have hitherto believed—that although they do love the people dearly, they love a certain portion of the people called and known to the gentleman as dear lawyers, a little better than the people; and while they are perfectly willing that the people should have all the benefits of electing the judges, they are perfectly satisfied themselves to share the benefits of being elected. I only wish to subserve the best interests of the people, and in doing that, I do not wish ever to interfere with the interests

of that honorable profession. But, in relation to the purification of the judges by repeated elections, I have to say, if it is going to have the effect those gentlemen would have us believe, then if we elect them biennially, as our elections are to be biennial, we could so purify them that they would become perfect angels in fifteen or twenty years. I have heard a great deal of talk, and seen a great deal of scrambling long before this day, but this is the first time in my life that I have learned that the support of the families of particular individuals was to be looked to in the distribution of offices as a leading consideration. I thought that the selection was to be made of such men as would best serve the people; but I now learn that there are those who not only wish to be provided for themselves, but desire to have their families provided for, and not merely for ten years, but for twenty years or more. Is there any principle in that, I would ask? There seems to be some mistake in the gentleman's argument; for if re-election has such a purifying effect, the oftener you elect and the longer you keep the judges in, the better. I thought it was urged that ten years was too long a tenure, but I now find that is thrown to the winds, and that ten years is not enough. A change seems to have come over the spirit of their dreams. All the clamor of those gentlemen, as reformers, about the cardinal doctrine of rotation in office, has ceased, and the effort is to prevent it. I care not whether the judges are Whigs or Democrats, Federalists or Republicans, or what they are, if the judicial interests of the people will be safe in their hands. Give us an independent, safe judiciary, and I shall be content.

Mr. Bowie. I do hope that the Convention will now come to a vote. The question has been very fully, and in my judgment, very ably argued on both sides, and I am sure the Convention is prepared to vote upon it. I call for the yeas and nays upon the motion.

The yeas and nays were ordered, and being taken, resulted—yeas 25, nays 45, as follows:

*Affirmative*—Messrs. Ricaud, President p. t., Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Weems, Dalrymple, Howard, Bell, Ridgely, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Fooks, Jacobs, Nelson and Smith—25.

*Negative*—Messrs. Morgan, Sellman, Sollers, Merrick, Buchanan, Welch, Sherwood, of Talbot, McCullough, Miller, Bowie, Tuck, Bowling, Spencer, George, Wright, Dirickson, McMaster, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Stewart, of Caroline, Harcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—45.

So the amendment was rejected.

Mr. CHAMBERS, of Kent, (in accordance with the notice given by him on yesterday,) moved to reconsider the vote of the Convention on the amendment offered by Mr. Crisfield, on the 19th inst., in relation to the election of four Judges