

vote, he must account for it to his constituents. But it is said that the vote of a thin house is entitled to little influence, and is more likely to be reconsidered. That depends less on the number of members present, than on the majority given; and I think the proposition of the gentleman from Anne Arundel, will be rejected by so large a vote, that the decision will carry with it all the influence to which my colleague alludes.

Mr. JOHNSON rose to a point of order, that the motion of Mr. SPENCER being accompanied with reasons for the adjournment, was not in order.

The presiding officer, [Mr. RICAUD.] ruled that the motion to adjourn was in order; but could not be accompanied with reasons for the motion.

Mr. SPENCER then withdrew the reasons, and moved the Convention adjourn, requesting that the reason of the original motion and of the modification, be entered upon the journal.

The yeas and nays having been ordered, were taken, and resulted—yeas, 10; nays, 58—as follows:

*Affirmative*—Messrs. Morgan, Lee, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, John Dennis, and Spencer—10.

*Negative*—Messrs. Ricaud, president pro tem., Chambers of Kent, Kent, Merrick, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Bowling, Grason, George, Wright, Dicks, McMaster, Hearn, Fooks, Jacobs, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Sherwood of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Smith, Parke and Shower—58.

So the Convention refused to adjourn.

Mr. SPENCER, (with the consent of the Convention) withdrew the substitute offered by him on yesterday, for the 5th section of the report.

Mr. CRISFIELD. The principle feature of the substitute which I offered, having been voted upon, the tenure of the judge, I take it for granted, that that principle is settled and determined, whatever may be the mode of electing. I therefore am not disposed to embarrass the Convention by useless votes. I acquiesce in the decision which has been made; and shall from this time forth endeavor to perfect a system, which under other circumstances I should be opposed to. I therefore withdraw my amendment.

The question recurred upon the first division of the amendment of Mr. DONALDSON, being upon striking out.

Mr. TUCK made a few remarks.

Mr. MERRICK. I will say, merely, that my convictions are very strong and very clear in favor of electing judges by the people. The difference between my friends from Prince George's does not extend to Charles county. The subject was canvassed in that county, and there is a universal concurrence on the part of those whom I represent, with my own opinion upon the subject.

I shall, therefore, vote most cheerfully against the proposition to strike out, and in favor of the retention of the election by the people of these high functionaries. It was my desire to have given, in a succinct form, the reasons for the faith that is in me on that subject. Unfortunately I have been afflicted by serious indisposition, and am still too unwell to explain those reasons by remarks of half an hour's duration. But that there may be no misconception, I have taken the liberty to state the naked fact, that my opinion is fixed, firm, clear and unequivocal. I believe it to be the wisest and best possible mode of selecting those functionaries to elect them by the votes of the people. I believe that no agent will ever do the work so well as the master. The people are the persons upon whose intelligence I rely. Upon their fidelity to themselves all the hopes of a free and happy government rest. If the time should ever come when they will be unfaithful to themselves and incapable of selecting proper agents to exercise a portion of their sovereign power, they will and they should suffer by it. At present there is little doubt that the people of the State of Maryland are sufficiently informed, sufficiently virtuous and sufficiently faithful to themselves and the principles of liberty, order and law to make judicious, righteous and wise selections, and much better than would be likely to be made for them by any agents they could designate. I therefore have no difficulty on this subject, and shall vote steadily throughout upon this great principle.

Mr. PHELPS. I have not risen for the purpose of making a speech, but merely to place upon record my position with regard to this question. My honorable friend from Charles has said that this matter was fully discussed in the county which he represents. I do not say one word with regard to the opinions of my colleagues, all of whom are better prepared to speak for themselves than I am to speak for them. But I deem it right and proper to say, that so far as I was personally concerned in the canvass in our county, on every occasion on which I addressed the people of my county, I stated that I would not vote for any bill to elect the judges by the people. I said that if I knew that I should lose every vote in my county, I would not vote for an elective judiciary. I shall vote for the proposition of the gentleman from Anne Arundel, (Mr. Donaldson,) for the General Assembly to recommend three persons to the Governor for his selection. But if the decision of the Convention should be against my judgment, I shall then cast such votes upon the remaining questions of this bill as the circumstances which surround me may indicate to be right and proper.

Mr. BOWIE. I should not have said a word but for the remarks of my colleague, (Mr. Tuck.) It is true that we had no canvass at all among the people on this subject. I believe I was nominated for this seat when I was absent; perhaps my friend and colleague was also. I never addressed the people upon the subject. I never attended a political meeting in my own county. But for years I have uniformly held the opinion,