

Views of Judge Carmichael and Henry Faye.

Hon. Richard B. Carmichael, who was president of the constitutional convention of 1867, is now living in well-earned retirement at the residence of his son-in-law, Mr. E. Tilghman Pace, near Queenstown, Queen Anne's county Md. Judge Carmichael was 76 years old on Christmas Day, but notwithstanding his advanced age enjoys fair health, which he attributes to great part to his still being able to take horseback exercise.

When the subject of the proposed constitutional convention was broached to him the other day by THE SCN's correspondent, he said, on general grounds, he was opposed to it. The present constitution no doubt had its defects, but he thought it unwise to tamper with the organic law of the State unless a paramount necessity arose for doing so. Any changes that might be desirable could be made by means of amendments. As to the proposition to reorganize the judiciary, he thought it might perhaps be as well to have an independent Court of Appeals. He had favored that system in the constitutional convention of 1867, and had voted against the present three judges system; but the latter had worked very well, and he knew of no serious dissatisfaction with it.

"What do you think," asked the correspondent, "of the proposition to substitute one judge learned in the law for the present three members of the Orphans' Court?"

"That is an old measure. I once presented a bill of that sort in the House of Delegates. It passed the House and was rejected by the Senate. When I returned home I found the people were not in favor of it. About the only thing it would accomplish, as far as I can see, would be to provide places for lawyers, who," added the judge, smiling, "I don't think are entitled to any more consideration than other people."

With regard to constitutional provision for the prevention of bribery at elections, the Judge said he would like to see all laws relating to bribery and corrupting of voters swept from the statute books. If public sentiment did not condemn these practices no law could be framed which would accomplish that purpose, and it seemed to him that the passage of such laws simply tended to aggravate the enormity of the crime without contributing anything to its prevention.

On the question as to whether some change was not desirable with regard to the board of public works, Judge Carmichael expressed himself as being in favor of concentrating the powers and duties of the board in the hands of the Governor. "If that were done," said he, "there would be no divided responsibility, and we should know exactly whom to call to account." The status of the Chesapeake and Ohio canal in recent years he regarded as sufficient evidence of the desirability of change in this particular. As an example of the injurious working of the present system, he cited the experience of Mr. James C. Clark as president of the canal. Mr. Clark, he said, was a most capable officer, the very man for the place; but the politicians wanted the patronage, and although the bondholders offered to pay his salary, so that it would not have cost the State a penny, Mr. Clark had to go. Had he been retained, he (the Judge) had no doubt the canal would now be paying handsomely. Mr. Clark had, since his retirement from the canal presidency, developed remarkable capacity as a railroad manager in the west, and but for the politicians his talents might have been utilized for the benefit of the canal.

With reference to the legislation required to enable the city of Baltimore to extend her corporate limits, Judge Carmichael said he was in favor of permitting the city to expand, but thought an amendment to the constitution would answer every purpose, not only of city extension but of other proposed reforms. He had been unable as yet to see that any argument had been advanced by those who favored the calling of a convention now, which was convincing as to the necessity for immediate action. On the other hand there was danger that if a convention once got together measures would be proposed and carried which might prove objectionable, leaving the people worse off than they are at present. For these reasons he thought it wiser to submit the proposed reforms to the people in the shape of amendments, and not to undertake the general revision of an instrument with which, on the whole, the people should be well satisfied.

Mr. Henry Faye, of Somerset county, writes to THE SCN as follows:

Prior to the appearance of your very able and clear article on the advisability of the next Legislature calling a constitutional convention I had given the subject but little thought, and since have not had the opportunity for considering it sufficiently to arrive at a conclusion by which I feel willing to abide. That there are defects in the present constitution may be granted, and that there are provisions now merely statutory enactments, which can with advantage be made a part of the constitution, may be possible; and that "the machinery of self-government" has improved since 1867 may be assumed; but for all this, there may yet remain the question, "Is there such an urgent need for changes in our organic law as to require the period fixed by the constitution to be anticipated?" On the whole, the present constitution seems to have worked well. Whatever may be said, it has secured an honest, efficient and cheap government. No public outcry condemns it. The judiciary system it established and about which so much has been written, has not only supplied us with good judges, who have faithfully, ably and impartially administered the law, but has prevented that vast accumulation of business in the appellate court which was one of the most conspicuous defects of the single-judge system. I cannot determine in what part of the constitution is to be found the evidence that this is the product of an embittered reaction. Certainly there are no proscriptive provisions by which private rights have been encroached upon, or the liberty of the citizen in any degree endangered. All classes enjoy its franchises equally, and no locality is favored beyond another. True it is that the needs of every people require alteration in the organic law, from time to time, to meet the varying changes of condition and circumstance, but has there been such a radical difference of condition or circumstance in Maryland as to require a complete reorganization of its fundamental law?

For these and other reasons the best of my

mind is rather against the advisability of the present Legislature touching the matter. In 1937 the time appointed will arrive at which the people have been prepared to expect to vote on the question, and probably it will be as well to wait until that period. By that time, may we not hope, a democratic administration at Washington will have infused such life and vigor into the party in Maryland that it will be strong enough to do all that is necessary for the best interests of the people of the State?