

ple assumed by him, in objecting to the seats of Judges, he must insist on his amendment.

He referred to the fact, that the report of the committee on credentials, had expressly admitted the judges to seats on this floor, because the old bill of rights did not apply in its terms, to a Convention; and therefore, he wished to make the new bill of rights explicit on this subject.

Other gentlemen thought that we had no power to decide who should come into future Conventions, but he was for passing the prohibition now, and leaving to posterity to decide our power to do so. It would, at least, be a declaration of the moral sense of this Convention.

Mr. B. then referred to the positions taken by him when on the committee of credentials, (before a Reporter was appointed,) that a judge should be far removed from any exciting element of party strife, and if possible, isolated in his sublimity—that he should devote all his time and energy to his judicial labors, which his oath requires him to administer “without delay.” If judges were in future times, to come here, they would soil the ermine of justice. Referring to this Convention, through no disrespect to the judges personally, who were here, what have we seen? We have seen judges here for weeks and months, necessarily absent from their duties in the courts, in proportion as they were faithful here—we have seen them going into party caucuses.

[Here Mr. CHAMBERS inquired, if he had gone into any caucus about principles of the new Constitution?]

Mr. B. said, he did not mean to charge that, but would the gentleman deny that he had gone into a whig party caucus, with a view to an organization of the House?

If he would not deny that, it was the same thing in principle, as it proved that the judge was a party man.

Again, judicial reform, even to the uprooting of the whole system, was one of the questions to decide, upon which this Convention has assembled. To allow men holding high judicial places, in all future time, to be present acting upon their own tenure of office, would be greatly calculated to depreciate the office of judge. I do not mean to disfranchise judges—but let them resign their judicial commissions before they can serve in a Constitutional Convention.

The gentleman from Kent, (Mr. Chambers,) says, there are but few important men in his county, [Here Mr. Chambers interposed and said in *his town*.] But few important men in his town, and therefore, he says, that he is overburdened with a multiplicity of small offices of various kinds.

Mr. B. was sorry to hear that important men were so scarce in Chestertown, but the very fact of the gentleman's being assessed with so many offices, proved that he could not properly attend to all. [Mr. Chambers enquired if Mr. Brent meant to say that he had neglected his judicial office.]

Mr. B. replied that he had not so said, but he did say that a man who had even that gentleman's dispatch for business, could not properly attend to all the various offices he had assumed,

and he must necessarily neglect some one or more, in proportion as he attended to the rest. But he, (Mr. B.) wished to be understood as laying down, in the Constitution, no rule for the gentlemen who were here. He did not dispute their integrity or merits, but he wished to lay down a rule of public policy, based on human experience of the weakness of mankind, and on the average of human character.

Mr. CHAMBERS said the gentleman has informed us what he thinks human nature can do and cannot. There were a great many sorts of human nature, and he was quite sure his human nature differed from the gentleman's. We have been plainly told by the gentleman, that political organization and party interests, directed the votes of members of this body. He much regretted to hear it. He had not allowed party influences to regulate his votes here, nor should he do so. The gentleman still harps upon his old tune about the judges, and the neglect of their duties. He acknowledged no higher duty than to assist in making a Constitution, and to that duty he had most assiduously applied himself. It was but an act of justice to his brethren, who, since the first of December, were in session in the supreme court, to say that the business of that court had not been neglected. They had faithfully, wisely and usefully performed the duties of that court, and he believed he might say satisfactorily. The gentleman had assumed the large license of censoring, not only the judges, but the Legislature and the people of his county. He was here by the authority of the Legislature—if they had any authority. He was here by the selection of the freemen of his county, and he inclined to think it was not a matter of very deep regret to them that the gentleman supposed they acted very unwisely in sending him here. How far this dictation to the sovereign people—this refusal to allow them to judge for themselves, who should represent them, was consistent with the high-toned notions of democracy, it was not for him to decide.

The gentleman thought the judicial ermine could not escape a stain in this collision and strife—that it was not in human nature. Now it was in this, he supposed, his human nature differed from that of the gentleman. He could lay his hand on his bosom, and aver that his opinions were uninfluenced by motives of interest. If he could not, he would not be here. Why what is there in the paltry salary of a Judge of your Supreme Court, compared with his labors, to make him so earnest in holding on to it? He denied, in the boldest terms, that after filling the office for more than sixteen years, he was not indebted to the State on a fair account, one dollar.

He had rendered services fully equivalent to every cent and more. The same services at the bar, would have secured him five times the amount of pecuniary compensation. Let the debtor and creditor sides of the account be fairly stated, and the balance sheet would not be against him. He could leave the bench to-morrow, without the least apprehension of making a bad bargain. In saying this, it was proper for him to add that he felt the most profound sense of obli-