titions upon the subject of the election of the judges by the people, is evidence that it is not in conformity with the public will, they are vastly mistaken.

The election of the members of this body, known as it was at the time when the vote was given, that they were to come here to change the Constitution and to form a new government, is sufficient evidence to my mind, that whatever opinions are expressed, and felt here on this subject by members of this Convention, are faithful and legitimate expressions of the will of their constituents.

I have no doubt, sir, from the first ten days of this session, how the will of the people of Maryland was upon this question. And no matter what that will was then, I have from observation and experience, within the last five months, been more than doubly confirmed in the opinion that where one man was in favor of it then, there are now ten; and in my honest judgment, if the question of election of the judges by the people were now left to the people of the State, the man who should vote against it would be considered, like a black swan, rather a *rara avis in terris*.

That consideration, however, would not alone control my mind, if I had nothing else to urge in its favor before this body. I have never been in the habit of following in the wake of mere public opinion. My principle is to try and control and regulate public opinion, so far as wholesome, judicious, and wise counsels can do it, and to make public opinion conform to what is true, right, just, honest and proper. If I had nothing else but the mere fact that I believe the people were in favor of it, it would be but little argument with me. If I disapproved of it in my conscience and judgment, my first duty, my first act would be to commence the work of endeavoring to change this unwise and indiscreet form of the public mind, and to bring it back to the true paths of constitutional right and duty, and to that line of policy which would subserve the great interests of the State. But, sir, I am here, upon this occasion, to justify, sanction, and approve this general prevalence of the public mind. I say it is right, it is just, it is in conformity with the public interests and the public good. Is it a novel doctrine, sir? Is there any thing extraordinary in the proposition, that the people should ask for a restoration of a right which was secured to them by the Constitution of our ancestors? Is there anything extraordinary in the proposition, that the people should ask to have a right which they have parted with, restored to them, provided they can give you reasonable, sound and good reasons, why they should desire to take back to themselves the power they have confided to others? If they can show you that those powers have been abused—that the trusts which they have confided to their subordinate agents have been betrayed, or directed to other purposes than those originally intended, is it, I ask, unreasonable in them to desire to be restored to their original rights? Sir, the appointment of judges by the people, although they may not have exercised it in this State, is, by the very first article of the bill of rights, recognised as belonging to them. It declares "that all power emenates from the people," etc.

It belongs necessarily to the sovereign power in every country, and it has so existed in every age. The appointing power, from a judge down to a constable, from the highest to the lowest, has always belonged to the sovereign power—it is a part of the sovereign power itself. In countries where a monarchy exists, the King has the right to appoint to office, as an inherent, necessary power belonging to the sovereignty of his office. Judges in England were originally appointed by the King during his own will and pleasure. They could be removed at pleasure. They derived their existence from the sovereign, and continued during the sovereign's will only. This must be the case in every country, whether it be a republican or monarchical government, wherever the sovereign power is lodged, there the power of appointment belongs—belongs as a matter of right—as a necessary incident to sovereignty itself. It has been so in all times past, and must be so and will be so from the very necessity of the case in all time to come. As I have stated, in England the King had the right of appointment during his will. It was not until the reign of William the third, that a change was made, not in the appointment of judges, but in the tenure of the office. From having been appointed during the pleasure of the King, the House of Commons, with the sanction of the House of Lords, passed the 13th statute of William the Third, by which the tenure of the office was secured to the judges during good behavior. This was understood then to be a triumph of the people over the monarchical power. It made the judges independent of the King, as to the tenure of the office, but not as to the mode of appointment? The power of appointment was still vested in the sovereign. From the day that statute passed, until the year 1776, when our ancestors formed the present Constitution of Maryland, and when the spirit of that statute was engrafted on it that has been the law of the land. What is the philosophy of all this? What is the meaning of all this statute of William III, that has been thus perpetuated and virtually engrafted upon our Constitution of 1776? Why, sir, that the judges may be allowed to hold office during good behavior, but that of right, they derive their appointment from the sovereign. By the provision engrafted in the Constitution of 1776, you have made an acknowledgment that wherever the sovereign power is, there is lodged the appointing power, and every other political power.

Sir, in 1776, when, by resolution, these colonies acquired their independence, the sovereign power was transferred from the King of England to the people of the colonies. That appointing power which belonged to the King of England was, by the power of the sword, transferred to the people of the colonies.

They had it then in all its beauty, and in all its