

stand by them, and continue to advocate, to defend and to enforce them, whenever and wherever, in the providence of God, it may be my destiny to act.

Let their anath'mas come,  
Ever so loud and deep,  
And, in succession, quick  
As falling flakes of snow,  
They drive not me, from my  
Firm purpose, nor cool the  
Ardor of my zeal.

So much, Mr. President, upon the subject of the right of the people to elect their judicial officers. What now are the objections to the exercise of this power by them? Why forsooth, that they are not capable of making judicious selections—that they will be influenced by party considerations—that strong and influential men will exert their influence in promoting the elevation of relations and favorites, fathers, brothers and friends, to judicial stations. Have I not shown you that the Governor and council, or Senate, have done the same thing, have always done so, and will, in the nature of things, always do so? But assuming, for the sake of the argument, that in restoring to the people their original rights, these objections do exist, is it any more than may be justly urged against the present mode of appointment? I will trust the people, because I believe that they will select wise and good and honest judges. To fill the station of a judge, we want a man who has a clear head and an honest heart. I care not whether he be a Demonthenes or a Cicero—whether his imagination can soar among the clouds, or play with the thunders, and storms, and lightnings, or not. I want a man of good, sound sense, calm, deliberate judgment, and, above all, a man of integrity. These are the men that the people will elect for their judges—these are not the men that the Governor and Senate have usually looked for. They have looked for partisans, men of certain political creeds. They want to know, generally, how they have voted at elections, and what power and influence they have exerted in political campaigns. The people, I say, will not look to these considerations. They will have a better opportunity of knowing the applicants, and will generally vote for the most trustworthy.

Sir, in my judgment, the man who has a cloud over his reputation, a stain upon his character, from any causes whatever, which go to prove him a dishonest man, will have, in my judgment, no chance to be elected a judge. The people will look solely to a man's standing in the community in which he lives—to his general character for honesty and firmness of purpose. They will not look to his mere political partisanship, or to the influence of his connexions. The people are apt to be right, are always sagacious and discreet, and if there is a person among them who is really worthy, they will select him. It is not so with the appointing power as it now exists. Even if it were, could we be worse off? We all acknowledge that the appointing power of Maryland, as it has existed since the commencement

of the government, has generally been influenced by political considerations. Can the people do any worse than this? Certainly not. If we should give this power to the people, we shall have this security, this guarantee that they may observe a different rule; they may appoint men according to their merits, to their deserts, to their integrity, to their attainments in law, and to every other qualification which may render the appointment a desirable one for the public good. They may do this. The Governor and Senate never have and never will, from now until the day of judgment.

I think then, Mr. President, that it is clear—it is so to my mind at least, and I have endeavored to make my opinions intelligible to the members of this Convention, that in regard to the election of judges by the people, it is not only in conformity with the constitutional rights of the people; but, in truth, that they can exercise this right better than the present appointing power. They have opportunities of judging which the Executive has not. We know that when appointments of this sort are made by the Governor, he is obliged to rely altogether upon the information he derives from his friends. A little caucus of politicians will meet here and there and send a deputation or petition to the Governor to have a certain person appointed judge, under the influence of political considerations. I say that this is, and always has been, the course of things, and will ever continue so until we take from these subordinate agents all power of appointment. If we refuse to confide the power of appointment to the people, we violate that great and fundamental principle which we have professed to venerate from our cradles up to manhood—I mean the right of the people to govern themselves—a principle to be forever held sacred by every true friend of republican government.

But we are told that this mode of appointment will break down the independence of the judiciary. The independence of the judiciary! Do gentlemen know what is meant in the English Constitution by an independent judiciary? Sir, the idea is borrowed from the thirteenth statute of William the Third, by which the judges were made independent of the King. In Blackstone's commentaries, in all the elementary writers upon the common law, our students of law are so often refreshed, day after day and hour after hour, with this notion of the independence of the judiciary, that I believe it has become quite a common error to suppose that such a theory ought to be engrafted upon our American Constitutions and should form a part of our American opinions. Independent, sir, of what? If, by this term, you mean an honest, upright judiciary, one independent of every improper bias—dependent of all impressions which can be made upon their minds by wicked, artful and treacherous practices, I can understand the term well enough.

Sir, when the people of England through the House of Commons, passed the statute of William the third, it was considered a great triumph of the people over the King, for it made the judiciary independent of the King. But it did no