

SATURDAY, April 19, 1851.

The Convention met at ten o'clock.

Mr. RICAUD of Kent, in the chair, (in the temporary absence of the President of the Convention.

Prayer was made by the Rev. Mr. GRIFFITH. The roll was called, and a quorum being present, the journal of yesterday was read.

THE JUDICIARY.

The Convention resumed the consideration of the order of the day, being the report No. 13, submitted by Mr. BOWIE, as chairman of the Committee on the Judiciary.

The pending question was on the amendment offered by Mr. DONALDSON to the 5th section of the said report.

Mr. D. made some remarks, which will be published hereafter.

Mr. GWINN said:

The gentleman from Anne Arundel, has drawn a strongly marked picture of the evils attending upon an election of the judges. It has not occurred to him, apparently, that all his arguments apply with equal force to every elective office. If a disposition to obtain popular support and applause, can induce a judge to depart from the line of his public duty, with equal reason may we apprehend that the same evil would ensue upon the method which obtains at present in the selection of our Governors, and members of the Legislature, and of all others who are entrusted with political power.

The authority of a judge is limited from the very nature of his avocations. In a whole community there are very few whose interests are often subjected to his control, and of these, it must be remembered, that if he departs from his duty to favor one, he necessarily creates a strong prejudice against him with others. Nor is this prejudice confined to those who suffer from his injustice. There is no feeling more general than that public sentiment, which demands a pure administration of justice; and a judge could adopt no more certain method of defeating his pretensions, than by suffering the opinion ever to exist that he was open to improper influences. The great majority of men imagine, when they enter courts of justice, that they have right upon their side, and dread the presence of any motive other than such as the strictest integrity might dictate. Besides the public, generally upon whose approbation a judge must depend, are disinterested spectators, of the ordinary current of judicial proceedings, and no man could escape condemnation, whose life exhibited any traces of corrupt conduct.

There is certainly nothing in the ordinary process of a popular election of an injurious character. Look at the constitution of our own body. We have all the interests of the State in charge; we are empowered to destroy old offices and to create others of a different tenure. These offices, we might have an interest in organizing with an eye to our own advancement. Yet who

entertains a notion so injurious to the personal character of this Convention?

Again—we are here forming an instrument, which disturbs the present arrangement of our representative systems. It is easy to imagine that such an alteration will excite many local prejudices. But is it conceivable that we can forget our duty to the real interests of the State of Maryland, and to the good of our whole constituencies, in order that we may pave the way to some remote end of personal advantage? Yet it is this evil, which gentlemen apprehend from popular elections.

Nor is there anything corrupting in the process itself. Witness the innumerable elections which have been held in this State. Instances of individual corruption are almost unknown.— Yet, in our history, there have been times when there was every reason to apprehend that the conscience of the legislature would be tampered with, either for the purpose of private advantage or to carry out some scheme of local improvement.

Besides it does not seem reasonable, that gentlemen of this Convention should denounce the evils of party organization. To what do you owe your places her? Was the sense of your individual merit so marked that you were selected by the unanimous voice of your fellow-citizens? All here owe their success to a party organization of some kind; whether on a "Union ticket" or otherwise. The gentlemen near me, (Mr. Dorsey,) is here as a party candidate, selected by a caucus, nominated by a caucus, voted for as a party candidate, and sent here as a party man. Is he, therefore, not to be trusted? Surely no such argument can hold. Parties are not impure. They are perhaps, the best conservators of public liberty, because of the vigilance they exercise over the movements of each other.

We, no doubt, think that the people acted wisely in selecting such agents, as ourselves, to transact the important business given to our charge. Their wisdom is not all exhausted in this single effort. They are competent to select as judges, men who are as pure, learned and patriotic, as ourselves, perhaps more remarkable in all these things than we are.

The gentleman from Kent, [Mr. Chambers,] made an elaborate argument on the influence which a responsibility to the people is likely to exert upon the judge. This objection would go to the re-eligibility—not to the original choice. He has himself said that the manner of the choice was indifferent, if the judges were independent. Now, surely, if not re-eligible, even though if elected for a term of years, they are as independent as if chosen for life. But the question of re-eligibility not being under debate, argument to that point is unnecessary.

But he has drawn the chief strength of his position from the instances of violence, which are recorded in the history of those countries, which have been subjected to a popular rule. The revolution in France has supplied his chief materials—and he has dwelt upon the bloody