passions meets impediments and must be changed. The evil propensities of his heart cannot be satisfied; he is surmounted by checks that counteract and control him. He instructs the jury in criminal causes. The jury must be corrupt to enforce his law, unless the law is sound, as given them by the judge. His decisions must be correct, that the Court of Appeals may confirm them; and if he diverts from the well known established law of the land, his decisions will not be sanctioned. The judges of the county courts are to be elected by two, and in some cases more than two, counties; the Court of Appeals are to be elected by the Judicial district, or if the Convention please, by the States. This excitement of a neighborhood cannot extend all over the country or all over Maryland.

I would ask gentlemen read in law books, or that have read the authorities of the gentleman from Kent, to reflect that the authors of those books were educated by looking to incidents in a different society from that by which we are surrounded. They derived their notions of liberty and its licentiousness from the half-savage mobocracies of Greece, for they had no other experience to guide them. Instead of taking that condition of society, let us take the present state of society, and then tell me where is there cause for this monstrous apprehension about the evil consequences of electing the Judiciary. I admit that there would be some little plausibility in all these arguments if we were to elect judges once every twelve months, and make them supreme in the several counties in which they are chosen. But even in that case the general diffusion of intelligence in our country makes it unwise to apprehend that consequences would flow from an elected judiciary analogous to those which would have followed such a measure in the dark ages of the world.

We have an intelligent community. The Grecian Republics, as they are called, with a few very wise men, had communities of half-naked, ignorant savages. Are we to derive all of our notions of government from a state of society like that of Greece? Of what, then, should we make our judges independent? Independent of any temporary purposes in society—of any momentary impulses in society. In doing this, we accomplish it by making them eligible for a term of years. I wish it was six years instead of ten. Would I have them independent of the settled, deliberate, and calm judgment of the community? But when the judges settle all the laws of property, they in fact dispose of many questions that come to the hearth of society. They have a wide-sweeping power. Would we desire to have fallible men selected for these situations, with the privilege of disposing of all these questions, against the calm, deliberate and settled purposes of the community? Why, it is the very worst form of tyranny. If your tenure of office is long enough to permit the community to have a calm, fixed intention, let that intention be carried out in every branch of government.

One word as to the re-eligibility of Judges. There is a good deal of propriety in that branch of our Constitution and laws which denies to the people the power to re-elect the sheriff of a county, for the simple reason that he accumulates a large power from having under his authority a large share of the property of the county. . . . . .

There was cause to apprehend that if they permitted the Governor to be re-elected, with such a number of men interested in perpetuating his power, they never would be able to change that functionary. But in this case there is nothing analogous. When a judge decides a case, he has finished it; his decision is final, so far as he can make it so. He therefore can give no decision with a view to re-election in that particular case. He is, therefore, not in the position of other officers, who accumulate power every step they take.

Take up this whole argument, and read it over and over again, and you but revert to prominent facts known in society every where. I at first proposed to answer the argument of the gentleman from Kent by the very same process of authority that he offered, but I will not do it now; for it will be a waste of time, the Convention having disposed of the question as I thought they would. The gentleman put a case from Allison. It was a mere idle opinion, not founded in fact. He put the case of Louis the Sixteenth. There was but a very small number of the people of France who assented to the execution of that monarch. In regard to that, if it was all true, would gentlemen adduce this case from France, an incident in Paris, and make it analogous to any thing that can occur in our country? It will be very far-fetched authority. Is it not well known every where that Paris is all France, so far as these revolutions are concerned. But is Washington city this Republic? Is the city of Anapolis all Maryland? Is there not a wide difference between this country and France, because of the very prominent facts adverted to in the opening of the discussion here—because of these very checks and balances, and these counteracting influences? The small States are represented equally with the large States in the Senate, and the numbers of the people are represented in the House of Representatives. The President is elected by the whole community, with the veto power. We have a State judiciary and a Federal judiciary—all of these checks counteracting one another.

These views are thrown out in a very cursory manner, because I do not feel that the occasion calls for much discussion on this point. Notwithstanding the argument of the gentleman from Kent, for whom I entertain a very great respect, I have not the slightest doubt in my mind about the policy of electing judges by the people, or still less about rendering them re-eligible. But I trust that what has been said by the gentleman from Baltimore city (Mr. Brent) is much better than any thing I could say on this subject. I think that the question of re-eligibility is involved in the fact of the people being qualified to make an original choice;