

Mr. BOWIE. Yes, sir.

Mr. RANDALL. It seems to me that the gentleman from Cecil county, (Mr. Constable,) considers this subject as one to be controlled by its effect upon the amount of business done in all of the districts. That this right of removal should not be exercised if it increased the business or diminished the business of the several judicial districts. He seems to overlook the fact that the very object of this provision is to secure to the party an impartial trial. Whether it makes more or less business in the several districts, is not a matter to be considered. If it does accumulate a little business in one and diminish it in another district, it matters not.

The gentleman has answered his own argument when he says that if business comes to Harford from Cecil, the Judge of Cecil will send business to Harford to balance the account. He overlooks the very object of the provision, to secure to every man the high constitutional right to have a fair trial, before a fair and impartial judge, as well as a fair and impartial jury. Under the present system of electing, by the people, the judges, the great danger will be of having partial or prejudiced judges. Nominated and elected by a party, after a political canvass in which each man takes a part, a judge must be more than human, if he have not prejudices and partialities. These must extend to parties in court, who interested themselves in this very election of the judge; it may be the suit relates to this very election—some difficulty growing out of it. Again, judges are to be re-elected after terms of years—thus keeping in operation the existence of these very prejudices and partialities.

Sir, I look upon the right to remove a cause, because of the prejudice of the judge, quite as important and as probable an occurrence as because of the prejudice of the jury. If the accumulation of business is the result, and that accumulation causes you to abandon the constitutional provision of securing to every man the right of removing his cause from a judge whom he believes to be prejudiced against him, you may as well abolish the provision altogether. So far as regards the action of the judges, no doubt they will so arrange removed causes as to prevent accumulations of business, and have them tried most expeditiously and fairly when they are removed, and where the public interest will be most advanced by the trial, regardless of any slight increase of the business in their respective districts. I do not think we ought to assume that the judges will act from any other motives in the discharge of this high constitutional right of the citizen.

The question recurring on the amendment of Mr. BOWIE,

Mr. BROWN moved that the question be taken by yeas and nays;

Which being ordered,

Appeared as follows:

*Affirmative*—Messrs. Ricaud, Pres't. p. t., Morgan, Hopewell, Lee, Weems, Buchanan, Sherwood of Talbot, John Dennis, Constable, McCullough, Miller, Bowie, Tuck, Grason, George, Wright, Shriver, Gaither, McHenry, Nelson,

Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Ware, Anderson, Weber, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—35.

*Negative*—Messrs. Blakistone, Donaldson, Wells, Randall, Kent, Sellman, Bond, Howard, Bell, James U. Dennis, Dashiell, Williams, Hodson, Spencer, Dirickson, McMaster, Fooks, Jacobs, Annan, Stephenson, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer and Waters—26.

So the amendment was adopted.

On motion of Mr. GWINN,

The section was further amended by inserting after the word "law," in the 7th line, the words "issues or petitions," and also by inserting after the word "action" in the 9th line, and the word "action" in the 15th line, the words "issues or petitions."

The 29th section was then adopted as amended.

Mr. STEPHENSON moved further to amend the report by adding at the end thereof, as an additional section, the following:

"No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in this State, by him or herself, or counsel, or both."

Mr. RANDALL. I suppose the object of the gentleman is, that no law shall be passed prohibiting a man from defending his own cause. I know of no law which prohibits him from doing so now. There has been no law passed since the foundation of the government for any such purpose, to my knowledge.

Mr. STEPHENSON. I understand it has been denied in our court.

Mr. RANDALL. In a neighboring court I heard of a case where a man defended himself in a criminal suit, and succeeded. There is not the slightest danger of legislative interference attempting to prohibit the exercise of this right. The nineteenth article of the declaration of rights would prohibit any such rule in criminal cases. That article secures to every man the right of a copy of the indictment to prepare for his defence, to be confronted with the witnesses against him, to be allowed counsel, &c., &c.

Mr. BRENT, of Baltimore city. I suggest to the gentlemen to take the clause in the Indiana Constitution, on the same subject.

Mr. BROWN. The gentleman from Anne Arundel county cited a case; but it was a case where a man defended himself. I understand that the proposition of the gentleman from Harford goes a little beyond that. It not only gives him the right to defend himself, but allows him the aid of counsel to assist him in his defence. Will the gentleman from Anne Arundel tell me whether a man can have the right to employ counsel in a court, and at the same time aid in any remarks or in the examination of witnesses in the court.

Mr. RANDALL. I never heard it denied.

Mr. BROWN. I have only this to say. I am in my fifty-ninth year, and have been very frequently in courts of justice, and, so help me God, I never saw such a case. I will say another thing. It