

Mr. ABBOTT. It does not accomplish the object which I have in view, which is to test the question at once.

Mr. THURSTON. I will withdraw the amendment for the present.

Mr. MORGAN demanded the yeas and nays upon Mr. ABBOTT'S amendment, and they were ordered.

Mr. STOCKBRIDGE. I do not know that there is any object to be attained by taking up the time of the convention by any discussion of these two great systems. They have been before the country a great many years; and probably every member of the convention has his judgment fully matured upon the subject. I shall therefore not take up the time of the convention by any discussion. I have my own opinion upon the subject, very clearly defined, what is best for the people, and what is best for the State. That opinion is embodied in the report. I am satisfied that the plan here presented for the consideration of the convention is the one which in the end will give most satisfaction to the people of Maryland. I am satisfied of it upon general principles, and as the result of observation during the last fifteen years in the State, under both systems, first the one and then the other. But there are other gentlemen present who have perhaps had the same opportunities for observation that I have. I am satisfied that all the essential qualities of a judge, as set forth by us in two of the sections of the declaration of rights, can better be attained under the system reported here than by the adoption of the proposition of my colleague (Mr. Abbott.) We have said:

"Art. 18. That every man, for any injury done to him in his person or property, ought to have remedy by the course of the law of the land, and ought to have justice and right freely without sale, fully without any denial, and speedily without delay, according to the law of the land."

We have said also:

"Art. 32. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people."

In the adoption of these two cardinal principles, I believe we are all agreed. The only question which divides us is, which of these systems will best conduce to the great objects there specified and aimed at. I have no doubt upon that subject.

It should be borne in mind that the judicial office is in no sense a representative office. Wherever the people are to be represented through their agents, it is undoubtedly best that the people should freely and intelligently exercise their choice. But this is one of the offices which calls into requisition higher qualities than what are supposed to constitute the popular man in the community. A fluent tongue, and a knack of getting elected to

office by a constituency, are not the highest recommendations for a judge. I think the experience throughout the country, wherever it has been tried, is that the independency of the judiciary is better promoted by a system such as is here recommended. I shall therefore vote against the motion which has been made by my colleague.

Mr. THOMAS. I am as much indisposed as my colleague (Mr. Stockbridge,) to make any extended remarks in relation to the proposition submitted by the gentleman from Baltimore city (Mr. Abbott) to strike out the word "appointment." And I am as fixed in my opinion as to the expediency and justice of the election of judges as of all other officers of the people, as he is in relation to the appointment. I will say here in relation to those opinions that they are not newly born. I have held them from the time I was a boy; from the time I first commenced to mix and mingle among the people of the State. While the gentleman says that he believes that a great portion of the people of the State are in favor of the appointment system.

Mr. STOCKBRIDGE. I did not say that.

Mr. THOMAS. Then I beg pardon; but I assert that in so far as my immediate constituency is concerned, that portion of the State which I represent, being the working men of the State, they are unwilling to give up this right of the election of judges by the people.

The gentleman has read from the bill of rights in relation to the uprightness and integrity of judges. I suppose that he wants to argue from that that the people cannot elect good and upright judges. We have had an experience of fourteen years in the State of Maryland under the elective system; and I assert without any fear of contradiction from any quarter, that as a general thing the judiciary of Maryland this day is as good as could be selected for the price you pay to the men put in office. There is another principle in the bill of rights which is as much to be regarded by this convention, in the provisions which they will put into this new constitution, as the section which the gentleman has read. The first article of the bill of rights says that all government of right originates in the people; and the second section says that the people of the State have the sole and exclusive right of regulating the internal government and police thereof.

The gentleman says that the judicial power of the State is not a representative power. I will admit it; but still it is a power of the State. It is the most important power of the State. Your legislature, which is to be the immediate representative of the people, might go to work and pass its laws; and if those laws are unconstitutional they are to go before the court of appeals, and their constitutionality is to be decided by that court of appeals. So far as that is concerned, your