

forms; but the underlying, the life-giving principle is the same. The idea of separating the judicial department of the government from politics, from the government, is absurd.

I think if we do elect the court of appeals in Maryland by districts, it is the only State in which it is done. In Pennsylvania, in New York, and in all the States, they are elected by general ticket; and why? Because they are the representatives not of a particular district or division of the State, but of the entire State; just as much so as the governor is the representative of the entire State, in the executive department. The court of appeals represents the entire State in the judicial department, just as much as the governor represents the entire State in the executive department. Therefore strictly, and on principle, it is altogether right to elect by general ticket; and it would be wrong, and violate a principle to elect the judges of the court of appeals upon any other system than general ticket; because they are the representatives of the entire people of the State, and as I said the other day, in the beginning of the debate, the man on the top of the Alleghanies has just as much interest in the selection of a competent man for the position of judge of the court of appeals, as the man who lives in the extremest corner of Worcester. They are upon a common platform and a common basis, in that these men administer the entire judicial forms of the entire State.

It is different in regard to the district courts; because when you cut up the State into judicial districts, for district purposes, then I, in Washington county, have no right to have anything to say in the selection of the judge in Prince George's county, because I have no interest in the decisions which he may make. Neither has the gentleman from Prince George's any interest, or any right to claim any interest in the selection of the judge who is to preside within the district of Washington or Allegany county. It is therefore altogether right that the people of the several districts should select the district judges, on principle, because they are their representatives in the judicial department of their section of the State, and their jurisdiction extends only to the limits of the district. In the districts the voting power extends just as far as the jurisdiction of the court extends. Why not apply the same principle to the State? Why should not the voting power, in the selection of judges of the court of appeals, be coextensive with the judicial power of the men selected?

I say therefore, strictly on principle, that if you select the judges of the court of appeals in any other way than by general ticket, you violate a principle; and there is no question about it. We do the same thing in electing a governor from the separate gubernatorial districts. The State is divided into three districts, in order to let men from each por-

tion of the State have a chance to fill the gubernatorial chair; and it is done only with that view. It is only that the honors may be distributed to the eminent and fit men in each portion of the State. It is exactly upon that principle that I would be in favor of taking these judges of the court of appeals from the five different districts, one from each, that the judicial honors of the State may be distributed among the people generally, so far as it can be done. The men being equally fit, I think it is the only correct way; and that is the only reason why we require any selection from different districts. The particular reason is that the judicial honors of the State may be distributed among the five different judicial districts of the State. It is for the purpose of letting all have a fair chance to attain this judicial position.

As regards their nomination, you cannot help it. I know we have had two elections of members of the court of appeals under the present constitution in our district, and they were both nominated; and there was quite a fight over the second nomination, I know; and there was quite a quarrel over the first. They must be nominated either by the district or by the State; and I think it is better that they should be nominated by a State convention. All the quarrels of the parties of the district from which they are to be selected will be adjusted by the balance of the State not implicated in them; and they will therefore be more likely to take a proper man. I am decidedly in favor of the amendment.

Mr. PETER. I suppose as to the object to be attained in the selection of the court of appeals, there can be no difference in this convention. Our object is to secure an unbiased court, which will render to every man the law as it stands; a court which shall try causes, not according to political bias, but which shall mete out justice according to the law and the evidence. This is the object to be attained.

I think none of us can doubt that the court of appeals, differing politically as they would more probably differ, elected by districts, would be more likely to mete out justice, than a court selected by the whole and entire State, which would be of one political opinion. If we could attribute any bias to the mind of the court, from politics, that bias would certainly be more likely to arise in a court entirely of one political complexion, than in one differing in political views.

Therefore we might presume it to be a natural consequence, if the State be divided into judicial districts, and if a judge be elected from each judicial district, that there would be some difference of politics upon the bench; but if the election be by the entire State, as gentlemen here would have it, we may say with almost entire certainty that if one of the judges upon a ticket shall be elected, that entire ticket will be elected. Therefore if our