

object be to attain that purity upon the bench, that circumspection and examination which should dwell with these keepers of the law, and of the rights of the people, we should use the means likely to produce this effect.

If there be different political parties in the State, why not intermingle them upon this bench, that they may watch one over the other? Suppose a case arises upon the political subjects of the day; for under the law now we very often have political subjects before the court. The court being elected by the entire State is, as I argued before, of one political party; and there is no person in that court to represent the other political party,—Whatever the rights of the person of the other political party may be, there would be no person to represent him; and the decision of one would undoubtedly be the decision of the entire court.

The gentleman from Washington county (Mr. Negley) argued that as the State was divided into three gubernatorial districts, why not let each district elect a governor?—For the simple reason that there is but one governor for the State. If we were to have three governors, I certainly should insist that the governors should be selected by the people of each gubernatorial district separately, and not from the entire State. The gentleman's argument as to that point, I may say is an impossibility; because during the term of any one governor, the other two-thirds of the State would be unrepresented. The idea in having one governor is that the entire State may be represented.

The gentleman from Washington argues further that separating the court of appeals from politics is absurd. Has the day arrived in the State of Maryland when it has become an absurdity to separate a court from political bias? I think the universal wish of the people of Maryland should be that the court should be placed as far as possible above all political bias; that it should not cringe or bow to person or party; that it should hold its balance equal in its hands unmoved by any personal or political influences which may be brought to bear upon it, and look only to the law and the evidence as it exists in the case. I have always believed, and I have always thought that the opinion of the people of Maryland was, that courts should be governed and ruled by the law and by the testimony, and not by political bias.

The gentleman tells me that politics reflects the feelings and opinions of the nation. Do we not find politics one day running in this direction, and the next day in that? If the court is unbiased, let it hold that intermediate position, that it may not be swayed either this way or that by its influence.

The gentleman from Washington says again that the court of appeals represents the entire State, and therefore should be elected as an entirety. As the gentleman from Somerset,

I think argued, let us suppose a case, of a nomination in the district in which Allegany county is. We will suppose that two candidates are nominated in that district, there being two political parties. Might it not be possible—aye, is it not probable, that one of the existing political parties will have some jurist whose attainments and whose integrity, whose fitness for the office towers above that of the candidate of the other party? I do not say, nor will I pretend to say, that the party to which I claim to belong, have men in it who are superior to those of the other party; but is it not probable that such a case would arise? Then I ask the gentleman what I would know about their integrity or capacity? Although in his judicial district the vote might be overwhelming in favor of the man whose judicial attainments and integrity towered above those of the other, perchance the political majority of Baltimore city or of the rest of the State would more than counterbalance that majority which his legal attainments and his integrity known at home would give him there. The consequence would be that the man representing the strongest political party in the State would be elected, although less qualified, over the man well known at home to be far better qualified.

The gentleman argues that the circuit courts are right in themselves; that it is right that those judges should be elected in the circuits, for the reason that they merely represent the interests of these circuits. I do not know how it may be with the rest of the circuits of this State; but I unhesitatingly say that the docket of our court may be examined at any time, and during my practice there, not of very long duration, six or seven years, it will be found that in the majority of cases upon that docket the parties have been strangers in that circuit. His argument therefore is not good. There are many cases upon our docket from the city of Baltimore, many from Washington county, many from Allegany county, and many from other counties in the State.—Therefore, according to his idea, if you were to carry it out, if all the parties who have the right to come there and institute suits in our circuit court ought to have a voice in the election, our circuit judges ought to be elected by the people of the entire State; for the cases that come up there represent the different parts of the State almost as much as the cases before the court of appeals. His argument then will not hold good in that respect.

Therefore, Mr. President, I think it would be doing great injustice to the people of the judicial district to take from them the selection of a man known to them, a man whose integrity and legal attainments would fit him for an office so high, because we almost always look to the court of appeals as the highest officers of the State. I, for one, although it has been carried in this conven-