

cretion to do so. There ought to be the presentation of charges, notice, and trial; and I think that ought to be declared as a fundamental principle.

Mr. MILLER. I agree upon that point. The only question was as to what tribunal.

Mr. JONES, of Somerset. Before the General Assembly, of course.

Mr. MILLER. Under the provision as the gentleman proposes to leave it, the General Assembly might appoint some commission to try the case. I suppose the object is to have the trial by the General Assembly.

Mr. JONES, of Somerset. I have no objection to inserting after the word "trial" the words "by the General Assembly."

Mr. THRUSTON. I would refer members of the Convention to section 9 of article 4 on the judiciary, and section 41 of article 3 on the Legislature. I think they will find that those two sections cover the whole case.

Mr. JONES, of Somerset. That is true of the old Constitution.

Mr. THOMAS. I am in favor of the amendment of the gentleman from Somerset, (Mr. Jones,) for this reason: By a reference to Senate journal for 1860, page 581, the members of the Convention will find the proceedings of the Senate of this State on the removal of Judge Henry Stump of the Criminal Court of Baltimore city, against whom charges were preferred. It was deemed necessary to appoint a committee to enquire as to the mode and manner of trying Judge Stump. After the committee had reported, resolutions were offered by Mr. Yellott, as follows:

*Resolved*, That the Senate having received and considered the reports made from its select committee, to whom was referred the memorial for the removal of the Hon. Henry Stump, Judge of the Criminal Court of Baltimore city, hereby fixes Friday, the 9th day of March, 1860, for the trial of the said Henry Stump, as Judge of the Criminal Court of Baltimore city, upon the charges made against him by the said memorial.

*Resolved*, That the said trial shall commence at 11 o'clock A. M., and shall be proceeded with in preference to all other business, and the Secretary of the Senate is hereby directed to notify, forthwith, said Henry Stump, and the said memorialists, of the passage of these resolutions, by furnishing said parties, or their counsel, with a certified copy of the same.

On the same page follows the memorial of Judge Stump, in which he asks that he may be heard by counsel at the bar of the Senate, upon charges preferred against him in his official capacity. Then testimony was taken, as appears by the journal, and the trial was had. I think some general provision like that suggested by the gentleman from Somerset (Mr. Jones) should be made for the trial of these cases.

The PRESIDENT. The Chair has a full recollection of the case referred to. Judge Stump had a full trial and was allowed to appear by counsel.

Mr. THOMAS. The action in that case may be followed as a precedent, but not necessarily so.

Mr. EARLE. Judge Stump had a full trial under the present Constitution. When we come to consider the article on the judiciary I shall have no objection to making it obligatory that the person charged shall have due notice and opportunity for trial.

Mr. MILLER. I am in favor of the proposed amendment, because the great object of this article in the Declaration of Rights is to secure the independence of the judiciary. If there is ever to be a judge in Maryland, tried or impeached for misconduct, and the Legislature undertake to do it, I want it to be done under a general law, so that every Judge may come in the same category. I know that in the case of the trial of Judge Stump, every opportunity was given him to defend himself, and his case was tried fairly, and an impartial decision rendered upon it. But it may not be so hereafter in all cases, and I wish this provision to be inserted in the bill of rights. The reference made by the gentleman from Allegany (Mr. Thruston) to the article on the judiciary does not remove the difficulty at all, because the words there are precisely the same as those used in the bill of rights. "Removable for misbehavior, on conviction in a court of law, or by the Governor, on the address of the General Assembly, provided that two thirds of the members of each House shall concur in such address." Now I want some general law, providing for full notice, and a fair trial, and I want it in both places, in the Declaration of Rights and the article on the judiciary.

The question was stated to be upon the amendment of Mr. JONES, of Somerset, to insert after the words "General Assembly" the words "after such notice and trial by the General Assembly as shall be prescribed by general law."

The question being then taken, the amendment was not agreed to.

Mr. ABBOTT moved to amend the article by striking out the words "two-thirds" and inserting the words "a majority," so that it would read: "Provided a majority of all the members of each house concur in such address."

The question being taken, the amendment was not agreed to.

Mr. STOCKBRIDGE. I move to strike out all after the word "people" in the third line of this article. This is a Declaration of Rights; nothing more. There is a constant tendency to run into the details of legislation, both in the Declaration of Rights and in the Constitution. I am content to let this article declare this great truth: "That the indepen-