

this State, shall be and remain as it was before the meeting of this Convention except so far as an alteration in the judicial districts and increasing the number thereof is concerned, power to do which is hereby granted to the Legislature."

The PRESIDENT. Does the gentleman offer it as a substitute?

Mr. SOLLERS. I offer it as a substitute.

The PRESIDENT. There being other amendments pending, the substitute is not now in order.

Several gentlemen suggested that the substitute be entertained by unanimous consent.

There being no objection, the substitute was so entertained.

The yeas and nays were then ordered on agreeing to the substitute,

And being taken, resulted as follows:

*Affirmative*—Messrs. Chambers, of Kent Wells, Weems, Dalrymple, Sollers, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Sprigg, Hearn, Fooks and Jacobs—15.

*Negative*—Messrs. Ricard, Pres't pro tem., Morgaa, Lee, Mitchell, Donaldson, Randall, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Eccleston, Phelps, Miller, Bowie, Tuck, Spencer, George, Wright, Dirickson, McMaster Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—50.

So the Convention refused to accept the substitute.

Mr. SOLLERS gave notice that on to-morrow he should move to amend the 5th section of the report by striking out the words, "from among those learned in the law," and should also move to amend said section by striking out that part of it which limits the term of judges to ten years, and insert "twelve months."

On motion, the Convention then adjourned.

## DEFERRED DEBATE.

### CALL OF THE CONVENTION.

*Remarks of Mr. MERRICK—Friday, April 11th.*

Mr. MERRICK said that the gentleman from Anne Arundel, [Mr. Donaldson,] had referred to the fact that this Convention set here without any provision in the old Constitution; and had remarked that that showed that any prohibitory clause, or any clause restraining or regulating the mode in which the Convention should be hereafter called, would be repudiated by the people. He (Mr. M.) thought not. The manner in which this Convention was called, grew out of the peculiar circumstances of the case. There being no provision in the old constitution to authorise the call of a Convention, and a large portion of the people excited to a strong desire for the convocation of such an assembly, their Legislature had from the necessity of the case, strained very much the power that could be

drawn from the constitution, and called somewhat irregularly, he would admit, a Convention. But he regarded the people of Maryland as a law-abiding people, who would regard, with due respect and deference, all the provisions of constitutional law, and whatever clause they now engrafted upon this Constitution, defining a mode by which to call a Convention, there being thus a form prescribed or specified, the people would most assuredly conform to it, and it would continue in operation as long as the Constitution itself endured. He would exact that the people should have the right, through the Legislature, by the passage of an act of two successive Legislatures, to call a Convention. The people would then adopt that mode, and none other, and had only called this Convention by the extraordinary and irregular mode adopted, because of the seeming necessity of the case. In reply to the remarks of the gentleman from Queen Anne's, (Mr. Spencer,) as to the changes the Legislature might make, he [Mr. M.] would say that the Constitution could not be put beyond the reach of the people. There must be some mode left for its alteration or change. Whatever mode there was, they could not make the provisions of the Constitution divine and unalterable. They must leave the government in the hands of the people, to be changed by them as they themselves, in their discretion might see proper, due form and a just regard for each others rights being always obscured—less than this would not be republican.

### THE JUDICIARY.

*Remarks of Mr. DONALDSON, Saturday, April 19th.*

Mr. DONALDSON said:

It may be necessary for me to say a few words in explanation of the amendment which I have offered, and of the manner in which I desire the vote to be taken upon it. As at present proposed, it applies only to the judges of the Court of Appeals but if it should be adopted now, a corresponding amendment would, of course, be made to that part of the bill which provides for county or district judges. I have a great aversion—and the word is not so strong as the feeling and conviction which suggest it—to the election of judges by the people, especially when they are made re-eligible, as in the report from our judiciary committee. The general opinion, which appears to prevail here, in favor of such a plan, comes more, I believe, from a strong sense of the evils of the present system, than from any special merit in the substitute proposed. I have heard many say, both in and out of this Hall, that the present mode of appointment is so bad that we cannot change it for a worse. To this I cannot agree; and yet, he must be blind, who does not see, and wanting in candor, who does not acknowledge, how very unsatisfactory are the results of our present system. These political partisans are generally selected to fill the seats of judges, and the high qualifications of ability, wisdom and extensive learning are too often regarded as matters of secondary importance. Perhaps