

would necessarily be, to choose out of the three presented to him the one whom he believed most fitted for the office. The only credit he could get, would be from the public at large, for the selection of the best man; and if the persons nominated to him were of opposite politics to his own, it is natural to suppose that he would choose the one who was generally recognized as the least of a partizan, and therefore, better qualified to be an impartial judge.

But after all, Mr. President, I must again disclaim attaching any undue importance to the plan I propose. I am open to any other which may be suggested to remedy the evils of which we all complain, and I solicit gentlemen to bring them forward.

*Remarks of Mr. DONALDSON—same date.*

Mr. DONALDSON said :

My object certainly was to make this a test vote, and it is very unfortunate that the House is so thin. But I rise, principally, Mr. President, to protest against the remarks of the gentleman from Prince George's, (Mr. Bowie,) who speaks of our holding out against the ascertained will of the majority here, when, in fact, but two speeches have yet been made in opposition to the committee's report. It seemed to me that we had come here to deliberate before deciding upon these important questions. We have not, each man within himself all the knowledge, experience and wisdom which are necessary to enable us to decide these great matters, without any discussion whatever; and, although it may at first seem hopeless, it is our duty to express our opinions, where our convictions are so strong as to the magnitude of the evils we are likely to bring upon our State. It was anticipated in every part of Maryland. I may say, too, that it was desired that this subject of organising a judiciary system should be fully discussed by this Convention. But we wasted so much time in the first two months of our session upon irrelevant and often trifling matters—the same gentleman often occupying the floor day after day—that now we see, what every thoughtful person must have foreseen, subjects of vital consequence passed over almost without discussion; sometimes, indeed, under the previous question, without one word of debate. All the benefit to be derived from the mutual contribution, of what each one may know or think, to the common stock, is lost, and we sit here, no longer a deliberative body, just when we come to that all important question, which was, undoubtedly, the main cause of the calling of this Convention, and which requires from us the deepest thought in fixing upon general principles, and the most scrupulous care in the arrangement of details. We must not open our mouths in opposition to what we think most injurious, because it is supposed there is a fixed determination upon it—a foregone conclusion. A bare quorum of the Convention are to decide upon the constitution of our judiciary, without showing the people why the decision is made, and without permitting them to know the reasons which have influenced those who oppose that de-

cision. Small matters have been elaborately debated for weeks, and now the judiciary system of our State is to be slurred over, although, by doing so, the best interests of the people may be sacrificed. We must recollect, that after this Constitution is framed, and adopted by the people, not a comma can be changed in it without the call of a new Convention ten years hence, at great expense and greater hazard. So it has been decided here, and we should therefore exercise great deliberation in settling the general principles and adjusting the multifarious details of this article on the judiciary. I therefore protest against its being supposed that I make factious opposition to the well ascertained determinations of this body, because I endeavor to make such amendments as I think would improve the report of the committee on the judiciary.

THE JUDICIARY.

*Remarks of Mr. TUCK, Monday, April 21.*

Mr. TUCK. I did not propose to say anything on the question now before the Convention, but for the course of the debate. The gentleman from Baltimore [Mr. Brent] has said that those who oppose the amendment can justify it on no other ground than that on which they voted against the elective judiciary, namely: a want of confidence in the people. I wish to take myself out of that category, although I shall support the amendment. If it were worth while or proper to review here my own unimportant history, the Convention would see that the remark could not apply to me with any justice. So far from my having any reason to distrust the people I have the most abundant cause, not only to be grateful for evidences, often repeated, of their confidence, in me; but also to repose the greatest reliance on the people themselves. I am not a worshipper of the people. I do not ascribe to them purity, and freedom from error. They are generally honest and right in their conduct and motives—but not always so—I agree with Junius, who said "that the people left to themselves seldom erred." But when they are in the hands of designing partizans, and do not always think and act for themselves—there are chances of error and misconduct.

The argument for the elective judiciary was placed on a high ground of the superior capacity of the people to make selections for all offices; and according to this view, we were ever to have pure and capable judges.

I have never expressed any want of confidence in the people, but I have said, with others, that I had less confidence in judges appointed by the people than in those selected in any other way, because of the different influences under which they would assume their robes of office, and which influences would probably continue to act in one case and not in the other. And this view is enforced by the arguments to-day, in support of the re-eligibility of judges. The arguments urged by the friends of the elective system, all come to this—that notwithstanding the superior capacity of the people to select judges, when these judges