

path of integrity. But this is no reason why we should increase the number of temptations. If we can cut one off, we gain something, although we leave others around him. The judge has to execute the law. It is true, in the theory of our Constitution we have separated the different branches of the Government—the Executive, the Judicial and the Legislative; but we have separated them only in name. When a judge expounds the laws, he enforces them. He issues his execution, and it is done. He issues his command to the sheriff to collect money, and to carry out all the decrees of the court, and thus executes laws which he himself construes, and thus, in some degree, makes.

Now, in looking forward to these great divisions of power, we will find, if we look a little back, a long existing jealousy of the continuance in power of those who execute the law. The gentleman from Frederick (Mr. Thomas) has referred to the office of Governor. Why is it that for the last seventy years we have been living under a Constitution which prescribes a limit to the services of Governor—which says to him, “thus far shalt thou go, and no further?” Why did our ancestors say the Governor should be eligible for three years, and no longer? It was because after the expiration of that time they chose to entrust to other hands that power of executing the law.

Why has it been that an article of our Constitution, which I believe it is not proposed to change, declaring the ineligibility of sheriffs, has been permitted to remain in our Constitution until now, and why will it be incorporated in this, for I suppose there will be no motion to change it? It is because the sheriff is a component part of the execution of the law. Being elected by the people, his intercourse is irrevocably with the people, and his enforcement of the law is required to be free from every sort of bias, private or political. Therefore, it is wise, and will be wise to disqualify that officer from a second term. So it is with the judge. When he administers laws and decides property between one man and another man, he necessarily excites the displeasure of somebody.—The losing party always complains, and it requires that his hands should be strengthened in every way in which we can strengthen them, to enable him to maintain his position with impartiality. We should make him re-eligible. One great political evil will follow from the adoption of the proposition of the gentleman from Dorchester, (Mr. Hicks.) Gentlemen have only pointed out one, and that is, that if the people have a good judge, they ought to have the power to continue him in office. I grant it. But are there no other good judges? Each judge will represent about fifteen thousand votes, supposing that the State is divided into four judicial districts. Is it possible that that man can be so super-eminent in all that district of country, that they can find no man qualified to succeed him? It is the only thing that the people will lose by the adoption of this proposition—the power of placing that same man on the bench again. That alone is not much, because, apart from the general principle

of rotation in office, which certainly is advantageous in all classes of offices, they are at liberty to select some other one, and if you apply the doctrine of rotation in office, it becomes eminently proper to this class of officers. I have seen, in the course of my experience, more than twenty instances in which ruin has been predicted in a community from change in office; and I have never seen one single instance of the evil felt.—I do not say that it will always be so; but that the inducement is very small to permit this man, out of a population of fifteen thousand, to be a candidate again. I have voted for the term of ten years, and during those ten years, I wish to abstract him from every possible temptation to partiality. How will these judges be appointed? I expect to see party conventions. We shall see them, I think. We shall see conventions holden of either party, to nominate judges. I expect to see it, and I have voted according to that expectation. I am willing to meet it. I prefer that mode of appointing judges to the mode of appointment by the Governor, by and with the advice and consent of the Senate. Why so? Why, because in these conventions, the friends of any particular individual must stand out and be visible. They must come before the community, and take the responsibility of recommending their particular friend. They are known to the people. Whereas, according to the present mode of appointment, those who recommend any particular individual, are enveloped in a dark cloud, are in obscurity, and never are known.

Besides the fact that the friends of the particular candidate must be known to the public, there is another security, that although these conventions will be holden according to party character, the people at last have to pass upon their votes; and I do hope that there will be a restraining power in the mass of the people which will prevent the adoption of a party nomination, if the person brought forward upon the other side is a better man than he who is brought forward by their own political friends. I think there is a conservative power in the great body of the people which will induce them to select the best men; because each man in the community has a personal interest in the selection of upright and impartial judges. This, I think, will secure the nomination of better men than we have now; and I am willing to trust to it.

Now, sir, in the exercise of this vast power, before which the power of making laws sinks into insignificance, I am unwilling to throw any temptation in the way of the judge, that he may not be persuaded into conciliating strong party men, or adopting strong party measures from the hope of being re-elected to that office. Let it not be said that I am distrustful of the people. I am not distrustful of them, but distrustful in the influence of party spirit over the people. It penetrates all society. We can no more get rid of it than we can change our form of government. It will be ever active in some shape or other; and it must be active upon the mind of any individual who seeks a re-appointment to