

judge. Can the citizens of one of these counties be better acquainted with the personal qualities of a gentleman residing in the other of these counties, than if he resided in Alleghany.

Now, the gentleman says he is not in favor of Baltimore electing all the judges. This was a part of the general fear with which a great many gentlemen here seem to be impressed; and which had nothing to do with the principle involved in the election of judges.

He would say that Baltimore city would not elect the whole of the Judiciary. She could not do it by her single vote. This election of the Judiciary by general ticket, would not be a party question. There would be a split ticket, according to the merits of the candidates, and that was a reason why that mode of proceeding recommended itself to him. He did not believe that if the Democratic party and the Whigs were each to nominate four, that either of them could elect their whole ticket beyond the superior merits of the men. It would be sometimes three and sometimes two, according to their merits.

Now, he was a little surprized at his friend from Queen Anne's, who agreed with him (Mr. B.) in the general result. He understood him to say that he was not afraid that Baltimore would ever control State policy. If so, he would ask, why did that gentleman vote to deny her equal representation?

Mr. SPENCER. I do not think that question is properly before us now. I do not think it is properly introduced.

Mr. BRENT. Then you refuse to answer it.

Mr. SPENCER. I am ready to answer it; but I say the gentleman has no right to introduce it. It does not belong to the subject.

Mr. BRENT. Then I understand the gentleman to enter a demurrer.

Mr. SPENCER. No, sir, no demurrer about it.

Mr. BRENT. Very well, sir.

Mr. SPENCER said he hoped the gentleman would confine himself to his subject. There was no inconsistency in his (Mr. S's) course, but he was unwilling to bring matters into the discussion which did not belong to it. It was enough for him to say that his constituency was opposed to representation according to population.

Mr. BRENT. Well, I understood the gentleman to say that he voted against equal representation to Baltimore city by the instructions of his constituents; will he say when and how he was so instructed?

Mr. SPENCER. I referred my instructions to the sentiments of my constituency.

Mr. BRENT. Did not the gentleman say the other day that his ideas of republican doctrines were never limited and circumscribed by county lines. Did he not say this in reply to an interrogatory from Mr. Mitchell?

Mr. SPENCER. I say so now.

Mr. BRENT. And yet the gentleman on this great republican doctrine has voted according to the sentiment of his county. He (Mr. Brent) did not intend to do more than incidentally to

fouch on the gentleman's remark that he had no tears of Baltimore city controlling State politics, and with no unkind feelings to his friend, had he called attention to his doctrines and his vote on representation. He had the highest respect for his friend, but regretted that he had voted against the true Republican doctrine of equal representation. For these reasons, and they were not founded upon party considerations—he would vote to elect the Judges by general ticket. Now, he would ask, why should not the Judge of the Court of Appeals be elected by general ticket? Were they not connected with the general interests of the whole State? Were not the Judges who came from Baltimore city and the Eastern Shore, as well as Western Maryland, to decide questions of general jurisdiction? Was not the Court of Appeals to decide questions from Queen Anne's county? and should not the citizens of Queen Anne's have the privilege of casting their ballots for every Judge who is to decide their cases? Was not the jurisdiction of the court co-extensive with Maryland? Why should not every man vote for him? It was true he had voted for, and he was willing to let the Judges of the Court of Appeals be taken from the districts; but still, they should be elected by general ticket, and the argument of the gentleman from Frederick, then in his eye, (Mr. Johnson,) should be applied as well to the election of Governor as to Judges. He might as well say that the Gubernatorial district from which he is to come, should alone vote for him and not the whole State.

Why, the same mere local party organization that might nominate a Judge in a district, without regard to his merits, might elect him by a majority vote of that district, when the whole State would reject him, and thus men would be nominated and put on the bench of the highest court, who could not receive the votes of the whole State. It was for the reason he did not consider them as local Judges, but as co-extensive with the whole State, that he preferred the general ticket system. He did not believe that party lines would be drawn up. More or less, there would be party lines, but none that could on a general ticket system, run into, or affect the election of unworthy Judges of the Court of Appeals. The people would look at the merits of the candidates.

The idea that Baltimore city was to break down the State, was an absurdity. Why, that was the argument used in New York. Look at the heavy vote given by the city of New York. The same jealousy existed in the State in relation to the city of New York as did here in reference to Baltimore. In that State they elected their judges of the Court of Appeals by general ticket; and gentlemen would find in every one of the modern Constitutions, where the right to elect the judges has been adopted, the people had been allowed to elect by general ticket, except, he believed, in Kentucky. Why, he would rather abolish the judicial districts for the circuit judges, though he advocated it to gratify the gentlemen from the counties, and in their place have the general