

might come before them judicially, in order that they might be impartial and unbiassed in their judgments, then this wise purpose is equally disregarded, by allowing them to come here and participate in our labours, because it may turn out that this Convention will retain the present judiciary system, without change while all or most of the other parts of the constitution are made plastic to the touch of Reform; and in that case the new constitution may come in its most material clauses, to be interpreted and adjudicated by the Judges who co-operated in enacting or resisting it, and whose prejudices and feelings enlisted in debate here, may colour and distort its most wholesome features. Besides, if in this Convention a question should be made in regard to the judicial system, may they not be called on to testify in its behalf?

But above all these considerations is the prominent and palpable fact, that Judges, who sit here as delegates, will, to a moral certainty, be required to vote on a proposition to abolish the present entire judicial system. If such a proposition should succeed and be incorporated into the new constitution as adopted by the people, it would result that every Judge in Maryland *would fall with the system*. Shall Judges, however exalted their private character, be allowed to vote on a question so vital to their official and personal interests?

Is it not clear then that those great elementary principles of justice, would be trampled on, which, laying their foundation in man's nature, have pervaded the institutions of mankind in all ages and countries—principles, which forbid any man or set of men, saving only the divine right of kings, from being, at the same time, witness, advocate, legislator, Judge, and it may be executioner in any cases, much less his own.

But independent of all constitutional enactments, and looking to great natural principles of Justice, it seems to the undersigned, that no man should be qualified to act in the Convention, however fair his private character may be, who stands in an *official attitude* like that of our judiciary, for it is well known to all of our citizens, that one of the principal reforms aimed at by the Reformers of Maryland is the reconstruction of our whole Judiciary system.

It is equally well known that public obligations which belong to the trust with which we are invested—a trust created solely for the public good, require that all of us who participate in the duties of this Convention, should not only be personally incapable of bending to, but actually free from any besetting temptation of personal or official interest, to oppose those reforms which the people demand,—we can only serve the people of Maryland in the arduous and responsible duty which we have undertaken, by being in this Convention “free from all exception” by reason of the ties of official interest. The influences, both direct and indirect, that powerful men filling high stations, can always exercise over the transactions of any