

the governor. The chances, I presume, of the selection of a good, and learned, and impartial judge, would depend very much upon the knowledge which the parties making the selection have of the character and legal abilities of the party proposed, whether he is to be appointed or elected. I venture to say that there is not a judicial circuit in the State that has within its limits a man really learned in the law, passionate in the practice of his profession, but what that fact is as notorious to the people of that circuit as any other thing which is a fact.

The qualifications of a lawyer are something that cannot be hidden, or his disqualifications at the bar. If he is successful, if he is learned, if he is able, if he is eloquent, the men who are called upon to select him are constant witnesses of his professional career; and I do not know one fact more certain than this, that the popular appreciation of a judge's character and ability, is its very best test. It is that teaching which is attained by experience. He has practiced for years in the courts of his circuit, and the people having causes there have intrusted them to him. They witness his management of their causes, and of the causes of other parties, and there is nothing more certain than this, that when a party has a suit to be brought in any court of the State, he knows exactly the man best qualified to try it, and he will go to him.

On the other hand, the governor of the State appoints a man whose face perhaps he has not seen a dozen times, or half a dozen times; and appoints him how? It would hardly be dignified for the gentleman to go and solicit the appointment. He would better solicit it at the hands of the people than at the hands of the executive. How does the governor hear of him, or what does the governor know of him, except through the recommendations of his personal and perhaps of his political friends? That is the amount of the governor's knowledge of the man; while the knowledge the people possess concerning him is that which has grown up perhaps from an experience of twenty, or thirty years' active professional service in the community.

This being the case, who is the best qualified to judge what man can best occupy the bench, the governor who knows him only from the recommendations of his personal and political friends, or the people who have been the witnesses of his course of conduct for twenty or thirty years? I say the people are the best judges. And the people have a very just appreciation of the importance of the judicial office. They know that their property, perhaps their lives, their interests of every character, are under his especial guardianship. They know that not only upon his impartiality but upon his legal wisdom perhaps depend the positions they hold. They

may be brought into court any day; and they know the man who is to decide there ought to have sound legal learning; ought to be impartial, fair and just. I verily believe that in ninety-nine cases out of one hundred they will choose such a man.

Practically to the people of the circuit or district in which I live, it has been one and the same thing, whether elected or appointed. The present incumbent there has occupied the bench for thirty years. Certainly he has not been re-elected time and again because he was the sort of man to pander to the populace, and to deal with a light hand with crime, rowdism, profligacy of any sort that came under his judicial notice. It has got to be a saying among the people who are in the habit of coming into our courts—don't fall into Judge Pryor's hands; if you do he will give you the extent of the law. Why do the people re-elect him? Why have the masses voted for him? Because he was tolerant of popular abuses, rowdism, drunkenness, rioting, and everything of the sort. No, sir; that is not the secret of the matter; it is because the people who have elected him once and again, have observed for many years his conduct as a judge, and they have faith in his legal learning, faith in his integrity, and know he is just the man to whom they can safely intrust their interests; and the consequence has been that he is now filling by appointment and by election, his third term in that service.

I did not propose to say as much as this. These thoughts suggested themselves to me. I do believe that the people are the best judges of the character and qualifications of their judges, and they have such intimate knowledge of the men at all times and under all circumstances, personally, morally, and professionally, that they know into whose hands to intrust themselves and their welfare.

Mr. NEULY. I do not intend to say much upon this matter, but I am inclined to favor the amendment of the gentleman from Baltimore city (Mr. Abbott.) I do not believe that the operation of the elective system of the judiciary of Maryland for the last fourteen years has been found to depreciate the character of the judges in the circuits at least. In our own district we have on the bench a man who was on the bench under the appointive system, and I think altogether as competent and as good a judge as it would be possible for the legislature, or for the governor to give us; because I believe that the people of the district are the best judges of the integrity and legal capacity of the man to be selected for the office. The constitution provides that the citizens shall not go out and select A, B and C, without any reference to their integrity or legal capacity. The constitution restricts the selection to men learned in the law. With that restriction, I think that the people of the several districts are