

dividual. I think that by enlarging the sphere of selection you cure some of the acknowledged evils of the elective system. There is certainly a manifest propriety in it upon principle, because they do represent the whole justice of the whole State.

With regard to the State convention, we know that practically judges will be nominated. It is all nonsense to shut our eyes to it. It necessitates the nomination of judges of political views. I do not care whether they are politicians or not. They will be nominated as they always have been nominated, more or less directly. When the State convention meets, the gentlemen coming to that convention from the different districts will know whom they want, and they will try to get their best man, and a much better man will be nominated than could be selected by the governor, or by a county or district convention, and there would be less chance for undue influence to be exerted.

Mr. MILLER. One word in reply to the gentleman from Baltimore city (Mr. Stirling.) This system of electing judges is all wrong, and I am happy to have voted against it. But if it is the opinion of the convention, as it has been expressed, that judges shall be elected, I think it is manifestly proper that the election of the judges of the court of appeals should come from the district as they have heretofore done. The gentleman has put the case of New York where it may have worked well, but taken as a general thing it works badly. In the upper district of this State the two parties nominate a judge. Each party makes its nomination and has a candidate for judge of the court of appeals. There may be no comparison between the two men selected as to fitness to fill this position; and yet if the man least qualified for the position is the nominee of the party which happens to be the strongest in Baltimore city and other parts of the State, his election will be secured. Whereas by letting the majority of the district select their best man, we should get the best man for the bench of the court of appeals. It may be so in all the other districts of the State. I do not want the controlling political majority in the State to ride down at any time, or to vote down a good judge, or a good candidate that may be nominated from any particular district in the State.

Mr. SANDS. I think that the concluding remarks of my friend from Baltimore city were really conclusive upon this point. I have been a member of some State conventions, and I have never known them to undertake to dictate to the people of any district whom they should have. On the contrary the practice has been to say, "You must have a man from your district; whom do you want?" They generally have their committees, and the different delegations consult among themselves. They say, "Mr. A. is our best man."

"Well, we will vote for Mr. A. then." They do this mutually, one district for another, each selecting the best man in the district as their candidate. I have never seen this rule contravened. Suppose the delegation from the first judicial district say, "We want Mr. A." Those from other districts never say, "No, you shall not have Mr. A, whom you do want, but Mr. C., whom you do not want." Practically, as you district the State, requiring one member from each district, the whole matter of the choice rests upon the people of the district.

This is a court in which every citizen of the State is equally interested, from one end of the State to the other. It is a court that sits in final judgment upon cases, and every man who has occasion to go into court has an interest in the question, who shall sit in the courts. Therefore the plan of election by general ticket has my concurrence. I repeat that from my experience in nominating conventions the nomination is invariably left to the people of the district from which the man is to be taken.

Mr. DENNIS. If we are to have an elective system at all, it seems to me certainly desirable that each district, in every part of the State should be represented. It may very well happen that if you elect by general ticket the man in Allegany and the man in Baltimore city may select a man from St. Mary's or a man from Somerset whom the people of that district may be opposed to. It is desirable to have every part of the State represented. It is not the mere location of a man which is necessary to make him the exponent and the representative of a district. If you take from Somerset a man with the views and wishes and sentiments of the people of Allegany, and make him a candidate, no man can say he is a representative of the Somerset district. Where is the propriety, and where is the necessity of dividing the State into districts—the convention has already determined to divide the State into districts, taking a judge for the court of appeals from each district in the State—and where is the propriety of this if you are to elect by general ticket?

Mr. STOKES. That has not been acted upon.

Mr. DENNIS. True; that is a part of the report not acted upon; but everybody seems to think it proper to divide the State into these districts; and yet it is proposed that the election shall be by general ticket. It seems to me that you might as well take them all from Allegany and Baltimore city at once, as to have them elected by general ticket.

Mr. SCHLEY. In reply to the remark of the gentleman from Somerset (Mr. Dennis,) that you might as well take the judges directly from Baltimore city, I say, not at all. We know that practically, as has been stated, each