

division of the State puts its own man into nomination, to be placed upon the general ticket.

In reply to a remark which fell from the gentleman from Prince George's (Mr. Berry,) I merely wish to say that there is no such superfluity of good legal and distinguished men in the State, that the election should not be coextensive with the limits of the State. I do not see any force in the objection that a man who happens to be a resident of one district is not known in other districts of the State. The remarks of the gentleman from Baltimore city (Mr. Stirling,) and of the gentleman from Howard county (Mr. Sands,) appear to me to cover the whole ground. Every man has an interest in the court of appeals, and ought to have a voice in their election. I hope the motion will prevail.

Mr. NEGLEY. If the arguments of the gentlemen who oppose this amendment be worth anything, they would apply with equal force to the election of governor. Under the present constitution, and I suppose under the one that we intend to make, the State is divided into three gubernatorial districts, and the candidate comes alternately from each one of these. But because he comes from one of these, is that a reason why he should not be elected by any but the legal voters of the district from which he may happen to come during that gubernatorial term?

Mr. BERRY, of Prince George's. If the gentleman from Washington will allow me, I will give him the keynote of our whole action here; and perhaps he will be better able to answer the arguments offered. It is this, that we do not propose to make the judgeship a political matter at all. We do not propose that they shall be nominated by convention. The very strong reason which the gentleman seems to think he offers in support of his position is the very greatest objection to my mind to adopting the principle. If they are to be nominated, as the gentleman from Baltimore city says, by a political convention—

Mr. STIRLING. I only said that they always have been.

Mr. BERRY, of Prince George's. I have never known them to be in my district.

Mr. STIRLING. There may have been an exception in that one district, but I know that in every other district of the State from the eastern shore to Allegany, they have been nominated by political conventions.

Mr. BERRY, of Prince George's. I have not known such a state of things to exist.

Mr. STOCKBRIDGE. At the last election of judge of the court of appeals, were not both candidates nominated in convention?

Mr. BERRY, of Prince George's. No, sir; they were recommended without any nomination. It is our desire that they should not become connected with politics, one way or the other, but should be kept separate and distinct from every political movement of the

State. We want the judgeship of the State to be held as a high and exalted position, above the politics of the present day, so high that they can look down upon and scan the action of political men of the day, and I have no doubt that in many instances, it will be with great contempt. I want them to be separate and apart from politics; and in our district I have never known them, since they have been elected under the revised constitution, in the slightest degree connected with politics. I do not think I could vote for a judge who would go to political meetings and electioneer for such a position. I think it would be a sufficient objection in my mind to any man, no matter how well qualified in other respects, if I knew him to enter into the general politics of the day and to attend political meetings, or if he were to solicit votes as a party candidate for such a position. The man who would do that, I should conceive to be incapable of holding such a position, and unfit to hold it.

I say that it ought to be kept clear of politics. If not, they may carry their political prejudices upon the bench with them. They will not administer the law in the spirit of the law, but they will carry their political prejudices upon the bench and degrade the profession and the high position of judge. I say, therefore, that the very reason the gentleman assigns as the strongest reason why they should be elected by general ticket, is the reason why I shall oppose their being elected by general ticket; if it is to result in their being nominated by a party convention.

Mr. NEGLEY resumed: I understand the gentleman from Prince George's (Mr. Berry) to shift his ground of objection.

Mr. BERRY, of Prince George's. No, sir; I do not shift; I add that as another reason.

Mr. NEGLEY. Then that is another count. Now as to this last reason, he says he desires to keep the election of judges of the court of appeals away from politics. What is your government? What are the executive, legislative, and judicial departments of your government? Do they not all pertain to politics? The very name of politics embraces the executive, legislative, and judicial departments of any government. It is a part of the business of the public, as the derivation of the word signifies. You cannot separate the judicial department of the government from politics. You cannot make it something outside and disconnected with it. There is a common principle connecting the judicial, executive, and legislative forms of all governments, and you cannot separate the judicial department. It is a manifestation of the same general principle in one direction; a manifestation of the national mind. What is government? The national mind. The form of government is the form in which the national mind shows itself to the world. It shows itself to the world in three distinct