

tion, shall ever be opposed to a court which shall occupy so high a position, being selected by political conventions. My opinion is that that court, should not only be above political bias and political influences, but be above all influences whatever, save and except the law; that the law alone should govern and rule the mind of the court. As this convention has decided otherwise, let us use the means which will give to us as pure and as honest a court as we can get.

Mr. MILLER. One word with reference to an assertion made here to the convention respecting the election by general ticket of these supreme judicial officers in other States. It has been asserted that that is the universal doctrine practiced by all the other States of the Union. That is not the fact. In the great States of Illinois and Indiana, two of the great northwestern States, the supreme court is divided into districts, and the electors of the several districts vote for them in these several districts only. So it is in Kentucky; and so it is in Oregon. How it may be in other States I do not know; having only examined a few. It is not therefore the prevailing opinion of the people who are most experienced in an elective judiciary, that they should be elected by general ticket.

I think it is best to keep out of politics the election of these judicial officers. Under our present constitution, when the election of judges was first thrown before the people in our judicial district, two gentlemen of high standing, both belonging to the same political party, came out as independent candidates for that office, recommended by their friends. I hope it may continue to be so in other districts of the State. Chancellor Johnson was one of the candidates, and the gentleman who was elected, Judge Tuck, was the other. They both belonged to the same political party, and both received votes from each of the two parties. I trust that the nomination of judges never will be made a political matter. If it is, I have great fears that the judicial department of the government, the most important of all, will degenerate into the same state that some of the other departments of the government have degenerated into.

Mr. NEGLY. Will the gentleman allow me to ask him one question? Did any President of the United States ever appoint a judge of the supreme court from any political party but his own?

Mr. MILLER. No sir; I do not know that he did.

Mr. NEGLY. Did you ever know a State governor to recommend to the legislature when he had the power to appoint, any judge except of his own party?

Mr. MILLER. I am not upon the question of appointment or election. Yes; in our own State, Governor Hicks appointed a gentleman of the opposite political party from his own; and Governor Thomas did the same thing.

Mr. JONES, of Somerset. I will state that not only did Governor Hicks appoint him, but when the time came for a new election, both parties concurred and elected Judge Carmichael without opposition. Judge Barton also was appointed by a political opponent.

The question being on the adoption of the amendment of Mr. THURSTON to the amendment of Mr. DENT;

Mr. STIRLING demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 39; nays 30—as follows:

Yeas—Messrs. Annan, Audoun, Barron, Brooks, Cunningham, Cushing, Daniel, Davis, of Washington, Ecker, Galloway, Hatch, Hebb, Hopkins, Hopper, Jones, of Cecil, Keefer, Kennard, Markey, Mayhugh, McComas, Mullikin, Murray, Negley, Parker, Pugh, Purnell, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Worcester, Stirling, Stockbridge, Sykes, Thurston, Wickard, Wooden—39.

Nays—Messrs. Abbott, Berry, of Prince George's, Billingsley, Blackiston, Brown, Chambers, Crawford, Davis, of Charles, Dennis, Dent, Duvall, Earle, Edelen, Gale, Horsey, Jones, of Somerset, King, Lansdale, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Peter, Smith, of Dorchester, Swope, Thomas, Todd, Turner—30.

When their names were called,

Mr. ABBOTT said: Much preferring the system proposed by my colleague (Mr. Thomas,) to divide the State into four judicial districts, and to elect the chief justice by general ticket, I vote "no."

Mr. KING said: For the reason assigned by the gentleman from Baltimore city, preferring Mr. Thomas's amendment, I vote "no."

The amendment to the amendment was accordingly agreed to.

On motion of Mr. GALE, on division—yeas 35, noes 26—

The convention took a recess until 8 o'clock, P. M.

EVENING SESSION.

The convention met at 8 o'clock, P. M.

The roll was called, and the following members answered to their names:

Messrs. Goldsborough, President; Abbott, Annan, Audoun, Berry, of Prince George's, Billingsley, Blackiston, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Daniel, Davis, of Washington, Dent, Duvall, Earle, Ecker, Edelen, Gale, Galloway, Harwood, Hebb, Hodson, Hoffman, Hopkins, Hopper, Horsey, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Lee, Marbury, Markey, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Pugh, Purnell, Robinette, Russell, Sands, Schley, Schlosser, Smith, of