

ment, and he regretted exceedingly that his health was such that he was obliged to go home; and he expressed a strong desire that this proposition should receive the attention of the house, and be carefully considered. For one hope it will be postponed. It is worthy of consideration by the house; and I think it is a proposition, that when it is examined will be found to be a proper one. It combines both the ideas that have been proposed for the present section, providing for the election of a chief justice by a general ticket, and of the associate justices by the different sections of the State. I am sure that no gentleman here desires to alienate the feelings of one part of the State against another by selecting all the officers from one section of the State, as might be the case.

Mr. CLARKE. I was not here during the debates upon the general question of the appointment of judges by the executive or their election by the people. It is evident that there is a very great diversity of opinion upon this question when we come to reach the details of it. By the vote taken yesterday it appeared that there was a large majority of the house in favor of an elective judiciary, provided that elective judiciary would be so organized that the State would be districted, and the people of the districts might have an opportunity of choosing their own judges; the result of which would be that the political complexion of the court would not be determined by a vote upon general ticket; but there might be in one district a judge elected of one political party, and in another district a judge elected of a different political party; the result of which would be to deprive the court of appeals of anything like a political bearing.

We have voted to adopt the elective system. We have followed that up by a vote which determines that the court of appeals shall be elected by general ticket. What will be the result? Simply this: that the nominating State convention will determine who are to be the candidates of their political party. That will determine the entire court; and the result will be that the entire court of appeals will become a mere political machine or political body. If you district the State, and have one judge of one class of political sentiments, and another judge of a different class of political sentiments, there will be no such political agreement on the part of the court of appeals.

Mr. HESS (interposing.) I rise to a question of order; whether it is in order to discuss the merits of a question, upon a motion to postpone.

Mr. CLARKE. I am not discussing the merits of the question, but the operation of the different propositions to combat the view taken that this question has been already settled. The propositions have been presented in various forms and various phases; and

the proposition is now presented in such a form before this body, as to convert, in my judgment the court of appeals into a mere expression of the political sentiments of a party.

Mr. STIRLING. The gentleman is not in order. He is arguing against what the house has done.

The PRESIDENT. The question is upon the propriety of postponement.

Mr. CLARKE. I am just coming to that. I say that is the result. Now there is another proposition, to change the character of the organization of the court of appeals, providing that the chief justice shall be elected by the whole State; to a certain extent changing the character of the court, by having one elected by general ticket instead of by the bench, and coming back to the district system to a certain extent. Inasmuch as the desire of the house seemed yesterday to be in favor of an elective system, and now the character of this organization is such that it will convert it into a political machine, the gentleman from Somerset (Mr. Jones) and probably other gentlemen may desire either to adopt the proposition of the gentleman from Baltimore city (Mr. Thomas) or to reconsider the proposition by which the house determined to have an elective judiciary instead of having them appointed. I believe the views of gentlemen have changed upon the question of appointment, and I should like to see the question raised again.

Mr. SANDS. I think nothing will be lost in passing this section for the present. As to gentlemen changing their views from the appointive system to the elective, and from the elective back to the appointive, from political motives and considerations, I suppose that is a game that may be played at by both sides of the house.

Mr. CLARKE. I hope the gentleman did not understand me as saying that gentlemen proposed to change their views from political considerations.

Mr. SANDS. What I understood from the remarks of the gentleman from Prince George's was this: that many who started for the appointive system became converts to the elective, and would modify their opinions under some new state of affairs, and become willing to turn back to the appointive system. I am satisfied, myself, that they shall have either one or the other; because if they are going to turn it into a political machine, that matter cuts both ways. I concur very heartily in the suggestion to postpone this.

Mr. DANIEL. I wish simply to say in explanation of what has been stated with reference to my colleague from Baltimore city (Mr. Thomas,) that the casual remark which fell from me will not operate at all upon my vote upon this subject, nor do I wish the convention to be influenced by it. I would just as cheerfully vote for postponing it, had the