

so far; and I am perfectly willing to trust them hereafter. I believe they will look at this proposition as I look at it; as one eminently just, as one which will in the end be productive of no additional taxation at all commensurate with the convenience and advantage which this will afford. But even if the people do not so regard it; if the majority of my constituents were to oppose it—I have no means of knowing it—still I would not feel myself obligated to vote against it, unless there was some other reason than the sentiment of the people; for if I felt convinced that they were mistaken with regard to its practicable working if put in operation, I should feel myself justified in voting for it as I have done. I have a better opinion of the people of Baltimore than has been expressed here again and again by its immediate representatives. Whenever anything is done which any one of the gentlemen from Baltimore city seems to think will run counter to the feelings and wishes of any particular section of that city, they come here and appeal to the majority to vote against it because it may possibly lose votes for the constitution.

Mr. STALLING. I hope the gentleman will except me from that remark. I do not intend to make any such appeals in behalf of Baltimore city. My own impression is that the vote of the city of Baltimore will not have the slightest effect in adopting the constitution. I referred in my remarks to the counties in the western and northern part of the State.

Mr. SMITH, of Carroll. I understood the gentleman, if not to-night, certainly on frequent occasions, to advocate this doctrine, which to me has no practical force whatever. I believe if the people of Baltimore city, or any large portion of them, vote against this proposition as a whole, because some few of its provisions do not meet their wishes, it would be weakness and cowardice in us; that it would be slavish in us to yield to such wishes and such mandates. I for one shall certainly not do so. I am acting on my own individual responsibility; doing in this matter as I have done heretofore, what I think is best for the whole people; and from that course I shall not turn.

It appears to me that there is manifest and glaring inconsistency in the conduct of the gentlemen from Baltimore city and others acting in that view, in this matter, compared with that upon another part of this report. It is well known that the convention determined, by a considerable vote it is true, that the elective system should prevail in the selection of the judiciary; and further, that it was determined also by a not very decisive vote, but by a very small majority, that the judges of the court of appeals should be elected by general ticket and not by districts. My friend from Baltimore city (Mr. Thomas) had an amendment pending. The question had not been finally determined. The sec-

tion was open for consideration. On my motion the further consideration of it was postponed in order to furnish the gentleman an opportunity to express his opinions, and to invite the attention of the convention to it fairly, candidly and fully. The gentleman from Baltimore city and others, this morning, insisted that the convention having determined, not by a decisive vote, but by a small majority, as the journal showed, that the judges of the court of appeals should be elected by general ticket, and not by the qualified voters of the several districts respectively; it was not proper for the convention further to investigate the matter; that it was not proper that there should be a reconsideration. While I was willing that that matter should come up; while I believed, and believe now, that the better and fairer proposition in the end would have been, and that after years would have demonstrated it as I candidly believe, that the people should select from the several districts respectively the four associate judges, and the chief justice from the whole State, yet I yielded to my friend from Baltimore city so far that I did not press the amendment against the wishes of those gentlemen who expressed the opinion that it should not be considered. Now the convention having determined in precisely the same way that there shall be a judge in each county in the State, the gentleman has expressed his surprise, his consternation almost, that there should have been such a vote by a majority of this house, and that they should have dared to differ with him in this matter.

It may be a misfortune, but it is the fact, that we cannot all look at things in the same light. While differing from the gentleman upon this or any other proposition, I claim to do it fairly, candidly and conscientiously, with as much concern for the success of this constitution as he can himself entertain. I do not ask himself or any one else how I shall vote. I consult my own judgment. It is frail, imperfect, human; still it is the best guide I have. And if defeated in a measure, I will try to set an example which the gentleman may well follow; to yield pleasantly, and to retire as gracefully as I can. I shall not attempt by direction or by indirection to make it appear that those who have differed from me are not as competent to judge as I am.

Now, sir, coming back to first principles, I say that this proposition of itself meets my hearty approbation. It is not connected at all with the other matters which have been debated with it. We may pass this provision in the report, and adopt it as a section of the report; and yet we may with perfect consistency refuse to interfere in the slightest degree with the orphans' courts as they now exist, or to throw three counties into a circuit. This stands alone by itself; and I do