

ter of the tenure itself. Sir, I have no objection to a long term. I believe it would be wise to postpone the elections to as long a period as possible. My objection is to the life tenure, I regard it as inconsistent with the theory of our government. The bill reported by the committee on the judiciary requires elections for judges to be held every ten years. I shall vote for that period; I shall not vote for any shorter period, although I should prefer if a majority of the Convention would agree to it, to have a still longer term.

Any term of years, however, is better, in my judgment, than the present life tenure. I believe that the life tenure leads to great abuses. It makes the judges independent of public opinion, independent of the people, independent of every wholesome restraint. It concentrates in the hands of a certain class of lawyers, a power over the court which they ought not to have. Lawyers of distinction, by a long and uninterrupted association with the judges, acquire an influence over them, that they are utterly unable to control. Long continuance in office leads to abuses and corruptions. It must necessarily do so. I believe in my conscience, that from the long continuance of our judiciary in office, and from their long and intimate associations with members of the bar, men now exist in the State of Maryland, whose opinions are held to be laws, absolute law, although those opinions may be the very reverse of law. I can show, I believe, instances of that sort.

Mr. DORSEY. I hope the gentleman will do it.

Mr. BOWIE. I may, perhaps, before the debate on the judiciary report is over. I do not consider it necessary now to specify particular instances of abuse. I have said that I consider the principle of the life tenure as contrary to the theory of our Constitution, against the interest of the people, and would lead to abuses. I am for correcting these abuses. I think a tenure of ten years will be sufficient. I would not make it too short. I am willing to vote for fifteen years, although I think ten will be sufficient. Under our present system, a judge remains in office during life, if he lives to be eighty years of age. This I think altogether wrong.

Mr. President, I have thus, in a very imperfect manner, endeavored to place before this Convention the prominent features of this report; that feature which, above all others, is interesting to the people of Maryland. I mean their right to reclaim, to take back into their own hands the power to appoint judges. If the amendment or substitute offered by the gentleman from Somerset, (Mr. Criesfield,) is intended to make this a test question, I hope that after we have heard those on the other side who are opposed to the report of the judiciary committee, the friends of it will come up to its assistance and vote in favor of popular rights.

Mr. CHAMBERS said:

Mr. President: Before I proceed to urge reason for the opinions I may advance, it may be well to state some things, in regard to which I do

not mean to trouble the Convention. There are some points involved in this discussion, which, whatever may be my convictions in relation to them, I mean to leave for the consideration of other gentlemen. There are others that I may allude to, as illustrative of views which I may present, without enlarging upon them. I do not design to allude to the propriety or the reverse, of retaining the members of the judiciary, or any of them. I do not mean to enter into the relative merits of the different periods proposed, as the extent of the judicial tenure, by those who advocate a tenure for a term of years; or the relative merits of the various modes of appointing or creating the judges. My object is to argue what I regard as the vital question for our decision, the independence of the judiciary as a department of the government, and as necessary to that independence, the tenure as we now have it, and always since the first days of our existence as a community, have had it "during good behaviour."

The gentleman who has reported this bill, for I understand it is his bill, and not that of a majority.

Mr. BOWIE. Yes, sir, it is the bill of the majority.

Mr. CHAMBERS. I thought it was reported by consent of the committee, to bring the subject before the House.

Mr. BOWIE. No, sir—far from it. Only four of the committee dissent from it.

Mr. CHAMBERS. I am mistaken then. My recollection was, that the chairman on presenting it, stated that the committee did not agree. But the gentleman's assertion is entirely sufficient.

Mr. SPENCER. The gentleman will allow me. The principal features of the bill, as I understand it, were reported by a majority; there was still a portion of that majority who did not agree to the bill in some of its details, and some four members, of whom I was one, dissented entirely.

Mr. BOWIE. That is the state of the facts.

Mr. CHAMBERS. It is not at all important in the view I propose taking of the subject. I was about to say there were propositions advanced by the chairman, to many of which it will be unnecessary for me to advert, in pursuing the line of remark I have prescribed for myself. They are chiefly as to matter of fact. He has made certain allegations in regard to members of the present judiciary. It is no part of my plan to enter into an investigation of them. It might not be proper for me to do so. This I can say, that the gentleman has made allusion to matters, which I have heard of to-day for the first time, and I may be permitted further to say, such things are not in practice with any individual member of the judicial department, with whom I have at any time been associated.

Mr. BOWIE. I made no charge against the members of the present judiciary at all. I only said that by long continuance in office, judges, like other men, would form associations, habits of thoughts, and habits of admiration for distinguished and leading members of the bar as would control them just as thoroughly in their judgment