

their judges; for they will still have that privilege, and then the views of those who think that the purity of the judiciary can be secured by a prolongation of the term of office, will to that extent at any rate, be met. For that reason I am in favor of the amendment submitted by the gentleman from Washington (Mr. Negley.)

Mr. MILLER. Several gentlemen have got up here this morning, and said they were in favor of an appointed judiciary, and yet they voted for an elective judiciary. Yet enough members expressed themselves in favor of an appointed judiciary to have carried it, had they voted for it.

Mr. STIRLING. That remark applies to me to some extent, my preference being rather for an appointive system, though I have never been particular upon the subject. But I have been rather disposed to let the elective system stand, as I think it is the safest plan. Now the gentlemen on the minority side of the house, with very few exceptions, voted almost to a man for the elective system, and then turned around afterwards and voted for an appointed judiciary. Now I shall vote for an elective system hereafter altogether.

Mr. MILLER. Those remarks do not apply to me; I have voted for an appointive system out and out. And if those gentlemen who expressed themselves in favor of that system, and then, I do not care from what motive, voted against it, had voted for it, it would have been carried.

Mr. STIRLING. I do not impugn the motives of any one.

Mr. FERRY, of Prince George's. The remarks of the gentleman from Baltimore city (Mr. Stirling) apply to me. I assigned the reason why I changed my vote upon this question, and I thought gentlemen were satisfied about that. I am in favor of the election of the judges by the people, and in favor of the judges, both of the court of appeals and of the circuit courts being elected by the voters of the respective judicial districts and circuits. But I would sooner have an appointive system than have the judges of the court of appeals elected by a general ticket, and I shall vote for an appointive judiciary, rather than a system which elects those judges by the vote of the whole State, because the general ticket system would give the city of Baltimore with her large vote a controlling influence in the election of all the judges of that court.

Mr. CUSHING. The remarks of the gentleman from Anne Arundel (Mr. Miller) do very emphatically apply to me. I merely wish to say that my judgment upon the question of the number who would vote for the appointive system differs very widely from that of the gentleman. I exercised the right that I clearly possessed of not voting for that which I wished to have, when I did not think it would be carried.

Mr. PURNELL. I came here with the conviction upon my mind, and it has not been removed, that of the two the appointive was perhaps the best.

The PRESIDENT. This debate is proceeding in a manner not sanctioned by parliamentary law. Gentlemen must confine their remarks to the question before the house, unless they rise to a matter of personal explanation.

Mr. PURNELL. I only wish to define my position, so far as relates to the proposition now before the house, irrespective of what may have fallen from the gentleman from Anne Arundel (Mr. Miller) for his remarks have no personal application to myself. I was going on to say that I came here satisfied in my own mind that the appointive system was perhaps the true system.

The PRESIDENT. The gentleman is out of order. The appointive system is not now before the house. The question is upon the tenure of office.

Mr. PURNELL. I am willing to meet the gentleman from Cecil (Mr. Pugh,) and although I am in favor of limiting the tenure of office, and opposed *in toto* to the life tenure, yet if there is a disposition on the part of the convention to meet upon the basis of fifteen years, I am willing to forego my preference for ten years, and vote for the other. The chair rules me out of order so far as relates to the personal explanation; therefore I can say nothing upon that subject.

Mr. NEGLEY. The great objection that has always been urged against the elective system, is that by making a judge elective you hold out to him an inducement to maladminister justice, for the purpose of securing directly or indirectly, in some way, his re-election. Now if you make him ineligible for re-election you take away that temptation from him, and secure a system of judiciary as effectually free from political considerations as though you made it appointive. There is no difference so far as purity is concerned. Under the one system the judge is selected by the governor and the legislature, under the other he is selected immediately by the people. The one is that under which he holds his office by a life tenure; the other for fifteen years. I think fifteen years is not too long. It will take him four or five years before he will get properly into the harness, and I think the public interest would be subserved by keeping him there at least ten years after. If he is a bad judge, then that objection goes to the principle of electing judges at all. If you cannot trust the people to elect for fifteen years, neither can you trust them to elect for ten years. If the judge is bad he can be removed; there are ways provided for that in this constitution. So far as that objection is concerned, it does not reach this question.

Mr. THOMAS. I am opposed to the proposition of the gentleman from Washington