

establish really the more democratic type of judicial system.

The second reason, and I think one that will be a very effective answer is that I think the 15-year term in most instances amounts to a life-time appointment. There might be a tendency and almost a human tendency of a man with a 15-year term to not give his best energies to the job.

I think we all possibly on occasions have been able to observe this. The more frequent review of the judges activities will produce and stimulate a greater effort on the part of the judges so that we have a two-fold purpose, one to stimulate the confidence of the people and two, to stimulate the energy of the judges.

THE CHAIRMAN: Delegate Boileau.

DELEGATE BOILEAU: Mr. Chairman, I would like to speak in favor of the amendment. We have already provided for non-competitive elections for the judges and in effect we have been told and from my reading the history it is true, the good judge has no problems, he will be re-elected. What you are doing here if you vote against the amendment is protecting the bad judge. You are allowing him two more years; it is the bad judge we are concerned about here, the judge who can be rejected at the poll.

THE CHAIRMAN: Is there any more discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell, please.

The question arises on the adoption of Amendment No. 44 to Committee Recommendation JB-1.

A vote Aye is a vote in favor of Amendment No. 44. A vote No is a vote against.

Cast your votes.

Have all delegates voted? Does any delegate desire to change his vote?

*(There was no response.)*

The Clerk will record the vote.

There being 83 votes in the affirmative and 44 in the negative, the motion carries. The amendment is adopted.

DELEGATE SCANLAN: Mr. Chairman.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: I think I have an obligation to state for myself and some of those back here in the corner that our vote was influenced by the whisperings from the picture; they kept telling us "Don't let my descendant in, he is all wet."

THE CHAIRMAN: For what purpose does Delegate Clagett rise?

DELEGATE CLAGETT: Point of personal privilege. That is why I have ignored him.

THE CHAIRMAN: Are there any further amendments to section 5.21? Delegate Case.

DELEGATE CASE: Mr. Chairman, Delegate Adkins and I have an amendment which is apparently being printed. It is a very simple one. I think I can explain it now as to the rule of whether we should proceed or not.

In line 44 of section 5.21 the fourth word "shall" would be changed to "may" the effect of which, of course, would make the so-called poll of lawyers permissive rather than mandatory.

THE CHAIRMAN: Delegate Case, the Chair is uncertain that this was not talked about the other day. Was there an amendment about this the other day?

DELEGATE CASE: No.

THE CHAIRMAN: Very well. While the amendment is being printed, the Chair will entertain as Amendment No. 45, the change in line 44, page 6 section 5.21 of the word "shall" to "may".

Is there any objection to considering the amendment, even though it is not printed and on your desk with the understanding it will be put there?

The Chair hears none. This will be Amendment No. 45. Is the amendment seconded?

The amendment having been seconded, the Chair recognizes Delegate Case to speak on the amendment.

DELEGATE CASE: Mr. Chairman and ladies and gentlemen of the Committee: I share a concern with a number of delegates to the effect of the mandatory poll of lawyers in connection with the question of whether or not a judge shall be retained.

I think there are many areas of the State in which such a mandatory poll is