

of the counties, as Harford, had instructed their delegation to vote for the appointive system.³⁴

The general public desired to see a system which, while it gave to the judges a term sufficient to guarantee their independence would at the same time permit their work to be reviewed by the people, or as one member of the convention expressed it, "an independent judge dependent upon the people." It cannot be said that the change to the elective system satisfied the court, or the bar. It was incidental to the transformation going on in the other departments. Democracy rejected the appointive system. Every official must be chosen by popular vote.

The old appointive system found its ablest defender in Judge Chambers, of Kent county. He made a strong appeal for the independence of the judiciary as a department of the government, and as necessary to that independence, the tenure during good behavior. Judge Chambers attempted to show that there was as much reason for making the judges independent of the people in the United States as there was in England for making the judges independent of the crown. In his autobiography Mr. Chambers said that he claimed the merit of being the most ardent opponent of the "novel and unwise" system of constituting the judiciary by a popular election of judges.³⁵

The convention rejected the appointive system by a vote of forty-nine to twenty-three,³⁶ also by a vote of more than three to one the convention rejected an amendment offered by Mr. Phelps, of Dorchester county, for the election of the judges by joint ballot of the two Houses of the General Assembly.³⁷

The bill as originally reported by the majority, but slightly amended, was adopted. The State was divided into four judicial districts instead of three as the original

³⁴ Baltimore Sun, August 4, 1850.

³⁵ See autobiography in Scharf's Biographical Cyclopaedia of Representative Men in Md. and D. C.

³⁶ Debates, vol. ii, p. 492.

³⁷ Debates, vol. ii, p. 487.