

that I was in favor of their re-eligibility. The Convention has fixed upon ten years as the time of limitation. The only question then recurs whether the judges shall be re-eligible at the expiration of ten years from the time of their appointment. That I had great doubts upon this subject is most true. That much has been said upon both sides to prove that this is a question upon which rational minds may rationally differ, is most manifest. I must confess that my mind has at last come to the conclusion, the term being fixed at ten years—for I long doubted whether, if the ten years were fixed, I should go for the re-eligibility of judges—after hearing what has been said, I have come to the conclusion to vote to make them re-eligible, the grounds adverse to the re-eligibility not being to me so convincing as those in its favor. Many of the arguments which I have heard seem to superinduce the idea that if judges were nominated by party caucuses, as members of Congress or of the Legislature are nominated, they would carry their party biases upon the judicial bench. But they are elected for a different purpose. A politician is elected to go to Congress and speak the sentiments of his party, to advocate their principles. Can it be presumed that, in the selection of a judge, by a party caucus if you please, he is selected to be placed upon the bench for corrupt purposes, to do things improper and manifestly wrong? That would be to impugn the purity of the parties of this country, and to assume that their purpose is an abuse of power. A judge, I humbly conceive, although he may be elected by a party, is elected for the purpose of faithfully discharging his official duties. He has to administer justice and the law between men of his own party, between men of the other party, or between men of both parties. Suppose a case to occur between one of his party friends and one of his party adversaries. Suppose that he is even so far biased as to give a judgment erroneously in favor of his party friend. His judgment goes upon the record, and it may be that a similar case will afterwards arise between one of his party friends and one of his party adversaries, in which the relations of the parties would be reversed. The judge cannot change that decision. It would be too offensive, too outrageous to be tolerated in any community in the State, and thus his party adversaries would gain an equal advantage in consequence of the unjust decision.

Another view which has been presented, is that founded upon motives, and upon the words quoted by the distinguished gentleman from Baltimore county, (Mr. Howard.) "Lead us not into temptation." Is it to be supposed that the human heart is only tempted by evil, and that our motives are always wicked? Is that a just method of analyzing the human heart, or human society? That men act from motives—act from temptation, is most true. But what temptation is so high and so powerful as to be rewarded by the verdict of an honest community for virtuous and honorable action? What motive can be so controlling in the human heart as the consciousness that he has discharged his duty faithfully. He meets his re-

ward, and that reward has the sanction, approbation and countenance of all that is good, virtuous, honorable and honest in society. This is the highest temptation that can enter the human heart; and it is to place before the judges this temptation to high and virtuous action, and an elevated sense of honor and propriety, that I am in favor of re-eligibility. You thus say to the judge—discharge your duties faithfully, upon principles of fairness and justice, and your reward shall be that you will be continued in the office which you have merited. It is on account of this temptation to this high sense of honor and integrity that I am in favor of a limited term of office. At each recurring ten years, let the people have the right to displace that judge who is unfaithful, and to elevate to the station another more worthy of the station. These are the ideas that control my vote upon this question. I do not believe that every man in society is swerved and moved by corrupt and base passions. I have a higher estimate of society in the 19th century in which we live. When we see society moving on harmoniously in its sphere, with the rights of property, person, and religion, all protected; and when we find one general voice and universal sentiment giving countenance and encouragement to the most virtuous and most honorable to pursue their high and elevated career, when it is plainly and manifestly the will of the people that the judge who has served them so well for ten years should be continued upon the bench, I wish then to have the privilege of re-electing him, and to hold out a reward, as an inducement to him to be impartial and just. I would say to such a judge—You have shown yourself worthy of the high place in which we placed you, and we will continue you there, because your services are invaluable to society. For these reasons, I shall record my vote with pleasure for the re-eligibility of the judges.

MR. MERRICK. I do not wish to trespass upon the Convention, but as gentlemen all around me are giving their opinions and views, perhaps it becomes me to give the reasons for the vote which I intend to give. You have already determined that the judiciary shall be elective. You have determined—and I am glad that it is so—that their term shall be ten years. That term is neither too long nor too short; and it is one for which I should have voted had I been present. The question is now presented whether or not the person thus elected for ten years to perform the high judicial function shall or shall not be re-eligible. Upon that subject opinions have varied. It is a matter about which we have no past experience in our State, and upon which we have to draw our information from reflection and judgment. I have thought some little upon the subject, and have attended to the arguments I have heard since I have been in the hall, and I am sorry to be obliged to dissent from the opinions of those who deny that the judge ought to be re-eligible. There is great force in the argument advanced by the honorable gentleman from Queen Anne's, (Mr. Grayson,) whose words were brief and few, but clear and just. Suppose that you limit the term to ten years. Can you expect the