

ciary, finding that this convention will not consent to the general appointment of the judges by the governor, I am willing to vote for the compromise plan which I submitted to the convention this morning, but which the chair has decided to be technically out of order. That plan is to have the judges of the court of appeals appointed by the governor, and the local judges elected by the people. For that reason I shall vote "no" upon this question.

Mr. BERRY, of Prince George's. Although I should much prefer to have all the judges elected by the people, yet I much prefer giving the power to the governor to appoint the judges than have them elected by the general vote of the State. I therefore vote "no."

Mr. CUSHING. Not having been present when the first vote was taken between an appointive and an elective judiciary, I wish to explain my vote on this question, and to say that I am entirely in favor of the appointive system throughout. But the house having decided by an overwhelming vote that it preferred the elective system, and not being at all desirous to disturb that result, I shall vote "aye" on this proposition, and shall vote for an elective system throughout, that question having been decided by the house.

Mr. DANIEL. If the question was separated, and it simply the question of electing these judges, I should vote "no," because I am in favor of the appointive system for the court of appeals. But the two things being mixed up, and having to vote upon them both, I shall vote "aye," because if they are to be elected, I want them elected by general ticket.

Mr. PUGH. I am in favor of the appointive system. But the question between the appointive and the elective systems having been determined by the house, I shall interpose no objection to the perfecting of that system, and shall therefore vote "aye."

Mr. THOMAS. Being now, as I have always been, an advocate of the elective system for judges both of the court of appeals and the circuit courts, and being opposed, as I am, to the election of judges of the court of appeals by general ticket, I shall vote for the proposition of the gentleman from Allegany (Mr. Hebb) because I do not want to vote against an elective system. But I do so with the understanding that I will meet the question concerning the court of appeals when the twelfth section comes up for consideration. I vote "aye."

Mr. THURSTON. I am in favor of the appointive system throughout, but the house having decided in favor of an elective system, I shall no longer oppose it—and as the judges of the court of appeals are for and of the whole State, I think they should be elected by the voters of the whole State. I therefore vote "aye."

The question next being on the adoption of the second clause of the amendment, to wit:

"And the governor by and with the advice and consent of the senate, shall designate the chief justice."

It was adopted.

The question recurring upon the adoption of the third branch of the amendment, to wit:

"And the judges of the judicial circuits shall be elected by the qualified voters of their respective circuits."

It was adopted.

Mr. THOMAS. I move to strike out after the words "each judge shall hold his office" the words "during good behavior, or until he shall attain the age of sixty years, when, in the discretion of the governor, by and with the advice and consent of the senate, he may be re-appointed for a term not exceeding ten years, after which he shall not be re-appointed"—and insert the following in lieu thereof—"for ten years, removable for misbehavior, on conviction in a court of law, or by the governor upon the address of the general assembly, provided that two-thirds of the members of each house shall concur in such address."

Mr. STIRLING. The latter part of the amendment providing for removal of the judges is provided for by section four of this report.

Mr. HEBB. I have an amendment which the gentleman from Baltimore city (Mr. Thomas) may accept. I move to strike out all after the words "each judge," and insert the following:

"Of the court of appeals, and of each judicial circuit shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years and not after."

Mr. THOMAS. I will accept that amendment and withdraw the one I offered.

The question was upon the amendment of Mr. HEBB.

Mr. THURSTON. I shall vote against that amendment, because I think the great evil of the elective system is the frequency of the election of judges. This bringing the judges frequently before the people to solicit a reelection, is I think the greatest objection to the old system. I prefer the provision of the report to this amendment.

Mr. BERRY, of Prince George's. I move to strike out the word "ten" and insert the word "twenty" in the amendment.

Mr. STIRLING. I shall vote for the proposition of the gentleman from Prince George's (Mr. Berry) in preference to the proposition of the gentleman from Allegany (Mr. Hebb.) But I should certainly prefer to leave this matter as it now stands in the report. I have not been very fixed in my opinion in regard to the matter of appointing or electing our judges. I really do not think there is any great essential difference between the two