

systems. I think the vice of the systems is entirely in the tenure. Certainly, in courts having criminal jurisdiction, the result is that preceding an election the functions of the office bear directly upon a large class of persons who are interested in the re-election or the defeat of the judge. And there is a bonus offered to every judge to corrupt his moral integrity by administering the law to suit the people who he knows will have in their hands his nomination or election. There are a large class of persons, not criminals in the ordinary acceptation of the term, but who come under those provisions of law which are penal in their character, who wield a vast political influence. And it is a constant temptation to a judge to exercise the functions of his office just before an election so as to suit the views of those persons over whom he administers justice. It is true there may be just and pure men under such a system. But the system continually holds out temptations to corrupt their integrity. In other States that same thing has happened; and judges have studied the cases upon their dockets and allowed some of them to stand unprosecuted because they were seeking for votes at the approaching election. Now, if the people elect their own judges, there is no reason why the term of office should not be as provided in this report, so that the judge should be independent of any motive to exercise his functions without any reference to the views of the people.

I hardly suppose my view is going to prevail. But I wish to record my opinion upon this subject, and I shall vote in accordance with it.

Mr. CHAMBERS. I am most happy to see some evidence of what I consider just sense upon the subject of judicial tenure. I shall consider it very much the happiest day that I have passed in this house, since the 27th of April, if the majority of this body could be brought to accord in the opinion, that the independent tenure of a judge, whether by appointment or election, during good behavior was the proper theory upon which to establish our judicial system. I do hope that reflection has brought to the minds of some gentlemen, a change of opinion upon this subject. With a view to ascertain that fact I propose to amend the proposition of the gentleman from Allegany (Mr. Hebb) now before the house, by striking out the tenure there contained, and inserting the words "during good behavior or until he shall attain the age of sixty-five years."

The PRESIDENT. That amendment is not now in order; there is already an amendment to an amendment pending.

Mr. BERRY, of Prince George's. I propose to withdraw my amendment, so that the gentleman from Kent (Mr. Chambers) can submit the one he has indicated. I much prefer the life tenure, and will vote for it if I

see the convention are in favor of it. But I am opposed to the judges being elected by the general ticket of the State. If that proposition is reconsidered, and the convention will allow each district of the State to elect its own judge by the vote of the district, I will go for the life tenure. I will withdraw my amendment for the present, so that the vote can be taken upon the amendment of the gentleman from Kent.

The amendment of Mr. BERRY, of Prince George's, was accordingly withdrawn.

Mr. CHAMBERS. I now submit the following amendment to the amendment of the gentleman from Allegany (Mr. Hebb):

Strike out the words "for the term of ten years, from the time of his election, or until he shall have attained the age of seventy years, whichever shall first happen," and insert the words "during good behavior, or until he shall attain the age of sixty-five years."

Mr. HERR. I desire to state why I offer the amendment which I have submitted. I have always been and am now in favor of an appointed judiciary system for the State. But the convention having determined in favor of the elective system, I thought it best that the judges of the court of appeals should be elected by general State ticket, one of the judges to come from each of the judicial districts. I offer this amendment because if the judges are to be elected by the people, I am opposed to their holding office for more than ten years; otherwise, if you happen to elect a bad judge you cannot get rid of him. The question was upon the amendment of Mr. CHAMBERS to the amendment of Mr. HERR.

Mr. THOMAS. In relation to the limitation of age, if this amendment should pass, I know at least one judge, one of the best judges upon the bench, who in the course of four or five years would be excluded from the bench. I do not consider that a man in growing old loses his mind, and becomes incapable of being a good judge. I think we have as many men of venerable age, who are good judges, as those who are young men. If it is the sense of the convention, I would vote to have no limitation in regard to age at all. If you elect your judges for ten years, if any one upon reaching the age of sixty or seventy years is not capable of fulfilling the duties of the office, the people need not re-elect him. I shall therefore support the proposition of the gentleman from Allegany (Mr. Hebb). I think this matter of limiting the tenure of a judge because of age is wrong, not only in principle and theory, but in practice and experience. I have a letter in my possession now from a gentleman informing me that if this provision in relation to sixty or sixty-five years be adopted, one of the best judges we have in the State would thereby become incapacitated from serving on the bench.

Mr. CHAMBERS. I ask the gentleman from