

(Mr. Negley) and more especially the latter branch of it. The reasons he would give for voting for that proposition would be the reasons I should give for voting against it. He admits that the people are perfectly competent to elect a judge. If the people are competent to elect a judge once, they are competent to elect him twice. If they elect a competent judge, and he proves himself to be a competent judge at the end of the term, I am opposed to taking away from the people the right to re-elect him for another term. The whole of this power is lodged in the people. If the people go to work to elect a judge of your court, and elect an incompetent judge, at the end of his term they need not vote for him any more, and can turn him off the bench. It on the contrary they elect a good judge, whom perhaps at the time of his election they had not much confidence in, but who, from his position, and from the effect of listening to the argument of cases day after day, and from a latent ambition and determination to do his duty, has spurred himself up to make himself acquainted with the principles of law, and has become at the end of his term a good judge, the people have an undoubted right to re-elect him. But by the latter branch of the amendment of the gentleman from Washington county, the people would be prevented from re-electing him however good a judge he might prove to be at the end of his term.

Then I say that fifteen years is too long, if we should happen to elect a man who was not proper to be a judge—and I say that is nothing against the elective system, for it is just as likely that you would get an incompetent judge under the appointive system as under the elective system. I came here as a ten-year man; and I intend to stand by it. Of course if the convention choose to put it at fifteen years, subject to re-election, I shall be perfectly satisfied with it; but I am utterly opposed to the proposition to make him ineligible for re-election.

Mr. THURSTON. I would like to throw out this suggestion, which may harmonize both sides; that we make the judge eligible for five years, and re-eligible for fifteen years thereafter; so that in case the judge should turn out to be a good judge, the people should have an opportunity of securing his services for twenty years; and if he was deficient in the qualities of a good judge, they would get rid of him in five years. I throw out the suggestion; and if it meets with favor I will move it as an amendment at the proper time.

Mr. NEGLEY demanded the yeas and nays, and they were ordered.

The question being taken, upon the first branch of the amendment—"fifteen years"—the result was—yeas 35, nays 30—as follows:

Yeas—Messrs. Goldsborough, President;

Abbott, Belt, Blackiston, Bond, Brown, Carter, Chambers, Daniel, Dellinger, Farrow, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Larsh, Miller, Murray, Negley, Parker, Pugh, Purnell, Ridgely, Russell, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Sykes, Thruston, Valliant—35.

Nays—Messrs. Annan, Audoun, Billingsley, Briscoe, Cunningham, Dent, Duvall, Edelen, Gale, Galloway, Hatch, Hebb, Hodson, Keefer, Kennard, Lee, Mayhugh, McComas, Mitchell, Morgan, Mullikin, Nyman, Parran, Robinette, Swope, Thomas, Turner, Wickard, Wooden—30.

When their names were called, Mr. BALT said: Being in favor of having the tenure for life or good behavior, I shall vote for "fifteen years" as the best we can get in the convention. I vote "aye."

Mr. MILLER said: Seeing very clearly from the indications that it is impossible to get a life tenure, or for good behavior, and that there is no prospect of that being carried, I vote "aye," not however committing myself to vote for the amendment after it shall be adopted.

The first branch of the amendment was accordingly adopted.

The question recurred upon the second branch of the amendment, "and be ineligible to re-election."

Mr. THOMAS demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 27, nays 37—as follows:

Yeas—Messrs. Abbott, Audoun, Billingsley, Briscoe, Brown, Chambers, Daniel, Ecker, Gale, Galloway, Hatch, Hodson, Hollyday, Hopper, Johnson, Jones, of Cecil, Mayhugh, McComas, Miller, Murray, Negley, Pugh, Purnell, Russell, Sneary, Turner, Valliant, Wickard—27.

Nays—Messrs. Goldsborough, President; Annan, Belt, Berry, of Prince George's, Blackiston, Bond, Carter, Cunningham, Dent, Duvall, Farrow, Hebb, Hoffman, Hopkins, Horsey, Keefer, Kennard, Larsh, Lee, Mitchell, Morgan, Mullikin, Nyman, Parker, Parran, Ridgely, Robinette, Schley, Smith, of Carroll, Smith, of Worcester, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Wooden—37.

The second branch of the amendment was accordingly rejected.

The question recurred upon the amendment submitted by Mr. HARRIS as amended.

Mr. STIRLING moved to add the words "and until the election and qualification of his successor."

The amendment was agreed to.

Mr. THOMAS submitted the following amendment to the amendment:

Strike out the words "or until he shall have attained the age of seventy years, which ever may first happen."