

come to the bench, they are no better than others. You must hold out inducements for them to do their duty as honest and correct men. The inducement offered in the present case is the hope of re-election. Remove that from before their eyes, and they would fall from their high estate—they would cease to be the pure and incorrupt officers which the public voice had made them. This seems to be the sum total of the argument on that side in favor of the elective judiciary. My opinion is, that the constituents of a good judge are capacity, integrity and independence, and to this end we should endeavor to get the best men, give them good pay and appoint them for life or for very long terms, and I do not think that all these important ends are to be attained by the mere hope of re-election. But as we are to have them elected by the people, I shall vote for their re-eligibility as some mitigation of the evil.

I have come to this conclusion not without much reflection, and difficulty on the point. I shall not go fully into the argument. The reasons have been well assigned by others who have engaged in the discussion, and especially by the gentleman from Queen Anne's, [Mr. Grason.] You cannot get the best men to go upon the bench, with a knowledge that they must go off again after ten years, and be compelled to seek support for themselves and families in other pursuits. And if you get proper men for judges, they will likely, towards the end of their terms, so shape their course as to receive some political employment. The course they will adopt, will readily occur to those who know any thing of the pretensions set up by office seekers on the plea of services rendered to their party. For every man who seeks and takes an office thinks he sacrifices something for the public good, and when he loses one place, makes that his strong argument in support of his claim to another.—When the judgeships become prizes among aspirants before the people, we shall find that judges are no better than their fellow-men—that they have the same weaknesses, if not faults, and that their patriotism is of no higher stamp than that of others.

By denying to them a chance for re-election, you take away one powerful incentive to virtue and uprightness of judicial conduct, and open a dozen inducements to depart from the strict line of duty in as many temptations to offices of higher honor and greater profit.

The people will not elect a bad judge if they know it. It is proper that they should have an opportunity of re-electing a good and faithful one. The argument of the friends of the system concedes the probability of a judge conducting himself improperly without this inducement before him, and as I have very little confidence in the elective system, I should be unwilling to deprive the people of this chance of having a good judge in the end—a feature that seems now to commend itself to the friends of the system as furnishing the strongest guard against corruption and official misconduct.

*Remarks of Mr. Tuck—same date.*

Mr. Tuck. It is my misfortune to differ from my colleague, the chairman of the judiciary committee; and I wish to say that while we differ we do so in good faith to each other, our constituents, and the Convention. Situated as we were, we had no canvass at all upon this subject. I never heard the matter mentioned before the Convention, and hardly half a dozen times since. I think our people are against election by the people and in favor of a life tenure. My friend thinks differently.

I rose merely to state this fact, and that I shall vote for striking out, as indicating what I believe to be the opinion of my constituents upon the subject of the judiciary. Concurring with the views of my friend from Somerset, (Mr. Crisfield,) after this vote is taken, and the two prominent features shall have been passed upon by the Convention, adversely to my views, I shall most heartily assist in giving the bill such a form in other respects as may seem to be best calculated to promote the public interests.

I have no recollection (said Mr. T.) of having made any public declaration of my opinion on the subject, prior to the election. I certainly never, at any period of my life, dreamed of voting for an elective judiciary, and frequently said so. The night of the election, my colleague stated that he was favorable to an elective judiciary, and I as distinctly stated that I would not support that mode of appointing judges. At the same time, I said that if the people desired that plan, they must apprise me of their views. I certainly would follow their wishes if I knew their sentiments on this subject to be different from my own. I do not believe that there has been any such general expression of opinion in our county as would amount to a demonstration of the views of our constituents. They have not made known their opinions by way of instructions. They have confided the subject to our judgment and discretion. It is our duty to act in the way best calculated, in our opinion, to advance their prosperity. With this I am sure they will be satisfied.

It could not be expected that we were to agree in every thing. If we agree in one thing, we might differ on another subject. I believe that if our opinions had been known before the election the result would have been the same. We should all still have been returned to the Convention. The people of my county are anxious to have a good and acceptable Constitution. If one is to be made, they desire the best that can be had. I am not prepared to say that they will reject the Constitution, unless acceptable in all its parts. Though I suppose they will vote against its ratification if it contains one or more features striking directly at any vital interest. I have voted on this question, as I thought would be agreeable to those whom I represent. A large majority is against my view of the proper mode of electing the judges, and I shall now aid the friends of the measure in perfecting the details in such way as will be most beneficial to the people of the State.