

Consider, for a moment, sir, how palpable this is. Because we now travel across the Atlantic in less than ten days, instead of occupying forty; is it, therefore, less a violation of the moral law to seize our neighbor's property or abuse his person? These immutable laws are modified and applied to varying circumstances as they arise, and Infinite Wisdom has made them capable of adaptation to every condition that can occur. But they are the same moral truths by which all human action must be controlled, the same now as they were in 1776, and ever must be. The great truth which the Bill of Rights declares, is in these terms:—"The independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people." Mark this strong word, sir—"essential." This was true in the time of William III; equally true 1st George III; true in 1776; is true now; and ever will be true, just so long as justice is administered; just so long as lust and pride, avarice and ambition, and other evil propensities, afflict human beings and require restraint.

Now, sir, the next clause in this sentence has a volume of instruction. It shows, beyond all cavil, what these framers of our Constitution understood by this essential—"independency." Let me read:—"Wherefore the Chancellor and Judges ought to hold commissions during good behaviour." There is no mistaking this. Judges must be independent—that is assumed as the premises; *wherefore* they must have a tenure during good behaviour—this is the direct, the necessary conclusion; and never was one more just. The Article, in the Constitution of the United States, received the vote of every member of the body that framed it; nor is there, in the history of the Convention of 1776, as far as I have been able to trace it, the least reason to believe it was adopted in Maryland with less unanimity.

Now, Mr. President, I wish to show that some, indeed all our ablest jurists, have concurred in the opinion, that the peculiarities of our republican institutions are precisely those, which most emphatically require a persevering adherence to this old and venerable truth. (Mr. C. here read extracts to show the opinions of Professor Wilson, in his lectures—Chancellor Kent, in his commentaries—Mr. Rawle, in his treatise on the Constitution—Judge Tucker—Judge Hopkinson, and Judge Story.) Indeed, sir, (said Mr. C.) until lately, since a spirit of change has become so rife in our midst, there was no name high on the roll of fame, so far as I am informed—there was no one who doubted on this subject; except Mr. Jefferson, and he was an exception, only in his later days. His notes on Virginia speak a different language, and more in harmony with his contemporaries and associates. I do not mean to assert that the reasons for his change of opinion were of a personal character; but I may be permitted in this connexion to relate an incident, as I received it from the lips of President John Quincy Adams. Every man knows the permanent influence upon his current of thought produced by a particular fact, made es-

pecially impressive by accompanying circumstances; like the traveller in the Knickerbocker, who, passing through New Jersey, was annoyed at some stopping-point, by a drunken democrat and a vicious dog; and who for ever thereafter held both dogs and democrats in utter abhorrence. Mr. Adams did not assert that the incident was the cause of Mr. Jefferson's change of opinion, nor do I. Every one may draw what inference he thinks justified by the facts, which are these:—When Judge Chase's impeachment was first determined upon, it was the intention of Mr. Jefferson to have him convicted; and, if this beginning was well received, to follow it up by impeaching others on the bench. It so happened, that during that session of Congress, Mr. Randolph had acquired more popularity and power in the House of Representatives, than any man before or since. Many instances to prove this could be given. Mr. Randolph had an ambition to fill the chair of Chief Magistrate, and to strengthen his pretensions, it was important to show that his influence and power were felt in the Senate as well as in the House. He accordingly had himself put in the very conspicuous position of chairman and manager of the committee of impeachment. Mr. Jefferson had very different views about the succession. He had determined that Mr. Madison must be the man; but began to perceive the danger which might arise from the brilliant and successful career of Mr. Randolph. From that time, said Mr. Adams, Judge Chase's acquittal was resolved upon—Mr. Randolph's discomfiture and Mr. Madison's success followed; and Mr. Randolph never to the day of his death forgave Mr. Jefferson, whose whole plan he perfectly understood. "And," said Mr. Adams, "if you will examine the votes, you will find amongst those for acquittal some of the warmest personal, as well as political friends of Mr. Jefferson; for instance, Giles of Virginia, Jackson of Georgia, and others." It was certainly late in life, when Mr. Jefferson changed his opinions. Mr. Justice Story, who was one of his warm friends and admirers, whom Mr. Jefferson appointed to office—one of the most useful acts of his life, by the way—in speaking of the hostility of Mr. Jefferson to the judicial department, stated that he wrote on the subject "apparently with the feelings of a partizan, and under influences, which his best friends will most regret." With this one exception, we have the uniform sentiment of a host of wise, experienced and honest men and patriots, testifying to the truth of the ancient creed; and assenting to the further truth, that of all conditions of human society, that of a free republican government like ours, is especially that condition in which it operates with the best effect, and where it is in the highest sense essential. Our institutions require that the judicial arm should be strong enough to resist the onslaught of factious and turbulent associations, or any pressure from popular movements, as well as the machinations of intriguing politicians and demagogues, and to control, within constitution-