

dicted that the Union would be dissolved if Louisiana should be annexed; because, they said that we could not have any sympathy with the population living there. But I will not dwell upon such illustrations. I merely indicate the class of facts that might be adduced to sustain my arguments, and could refer to hundreds of similar instances.

Read the Essays of Fisher Ames, one of the wisest, ablest and most patriotic men that ever lived, upon the subject of universal suffrage. He had a constant trepidation of giving to all men the right to participate in the administration of the government, and predicted, and honestly believed that agrarianism would follow. He is one of the class of authorities brought forward on the other side. No one of his predictions in that respect have been realized. Madison and Hamilton advocated the election of the Senators of the United States for life, because, they said, without this there would be continual fluctuations and yielding to popular impulses. Is there a man now who would retrace our steps in that particular? Look at the practical working of another branch of our government—the electoral college for the choice of President and Vice President of the United States, which was organized by the men of that age. By reading the debate on the formation of this college, it would be seen that it was intended that this college should be composed of a wise and patriotic body of men, better qualified to choose the President and Vice President than the great mass of the people. It never entered into the imaginations of our greatest ancestors that these electors were to give pledges as to the manner and mode in which they were to discharge their trusts. What is the practice under it? Has not that branch become as thoroughly democratic as any other? Is there a man that would retrace our steps in that particular? We leave now our chief magistrate a mere effervescence of the popular will. Is there a man who will insist that the people are not qualified to discharge their high trust? I know gentlemen do not like this mode of disposing of their theories. I saw it in the manner in which my colleague disposed of the argument of the gentleman from Kent. He referred to facts which occur around us, and which are truly at war with these theories, and in that mode, in my humble judgment, established their fallacy.

Let us come to the question itself—the independence of the judges. Independent of what? That is the question. If you make a man independent of all control, while dependent upon carrying into execution the promptings of his own head and heart, that is not the best mode to insure pure and good conduct. Show me a man pre-eminently above his fellow-men, with none of the impulses, passions, predilections and animosities of other men, and inaccessible to all human frailties,—show me that man, and I will make him dependent upon his own impulses and actions, and independent of any necessity to consult and respect the opinions of others. Is there any man who does not participate in politics? Did we not choose officers of this

Convention in regard to politics? Observation satisfies us on that point. How is it with your judges in office? I respect them as much as any other class of society. I never have seen a man on the bench that did not take part in the excitements of the day. They may learn, perhaps, a more measured manner in announcing those opinions, but those opinions are as unqualified as they are in any man in society. I have discerned no exceptions, and would be sorry to see this class of men indifferent to public affairs. When the great interests of this country are at stake, when the very institutions of the whole confederacy are at peril, would you have a wise and learned class of men who can influence the community by their conduct, their votes, and their counsels, profoundly intent on their own affairs and abstract from all observation in the disposition of these questions involving our magnificent confederacy? Silent for what? That they might hold the position they occupy. Esau sold his birthright, but I would scorn, in this age, to believe that as a class, the whole judiciary are mere spectators of these mighty struggles, that have, as all honestly believe, the well-being of this magnificent confederacy involved in them—its well-being as an exemplar to the whole human family. Are judges to have no impulses, no wish, no desires, no concern? I say, with great candor, I know them for being so far party men as to form opinions, and express them at the polls, and to propagate them, and make proselytes, if they can. What does their judicial dependant mean? It originated in England, the people claiming that the judiciary should be independent of the momentary passion of a king. We do not propose to have judges dependent upon the momentary impulses of our sovereign, the people. Nearly all of the dependants I have heard upon this point, start with the assumption that we are about to provide for the election of judges who shall try all the facts, enact and expound the law, and finally and for ever dispose of every thing that comes before them in criminal and civil cases. Are we engaged in any such work? Every man proposes checks and balances, and this is the great improvement of modern reform. It is that which distinguishes us from the little mobocracies of Greece, the great mass of whose population were savages. There the masses met under the impulse of momentary passion, and gave laws to society, and carried these laws into execution.

We are in a condition similar to them. Your jury is summoned by the sheriff; they come from the vicinage; they come to try all the facts of a case. The judges of your county courts are elected by the community, but are they all-powerful? They are controlled by the consideration that their opinions in law are liable to be reviewed by a superior tribunal. These checks and balances are the great guarantee and guide. Put a corrupt man upon the bench in this or in any State, and my judgment against that of the gentleman from Kent, although I have much less experience, he will for the time being conduct himself with propriety. Why? The tide of his