

strength. The first article of the Bill of Rights acknowledges and sanctions the principle, that the right of appointment belongs to the people. "All government originates from the people," &c. You have it here sanctioned by the blood of the revolution. The very object for which these colonies fought, was to obtain the right to select their own agents, and to choose their own officers. Is it remarkable, then, is there any thing ultra, is there any thing, I ask, like demagoguism, in the proposition that the very rights which our fathers fought for, and finally achieved by glorious independence, should now be engrafted upon our fundamental law?

Gentlemen who had not given this subject as much reflection as they should have done, seemed to think that this is ultra, extraordinary, and may lead to dangerous results. Sir, the question is one simply of expediency—whether the people shall be reunited to their original rights or not? Whether the power shall be given to them, not for the first time, for this I think was settled by the Revolution, but as a reversionary right to which they have just claims of inheritance. They do not ask for power which they never possessed before, for they had it by the Bill of Rights, of 1776, and by the Constitution of 1776, they granted it to subordinate agents. That Constitution being about to expire, these powers necessarily went to the people, their original and rightful owners. In the great trial which was then to be made—this experiment of self-government—the people were induced to part with this power. They incorporated as a provision in the Constitution of 1776, that the Governor and Council should have the appointment of judges, chancellor, and all judicial officers. Sir, this was a grant of power—a relinquishment of their own rights and interests to mere subordinate agents. This trust has now been in existence for more than seventy years, and now the people desire to bring these agents to an account. They want now to see how the account stands. They require these agents to give them an account of their stewardship—whether they have executed the trusts reposed in them in accordance with the purposes for which this grant was made? Whether they have carried out, in truth, the original intentions, for the public interest and the public good? We have confided to you, the Governor and Council, or you the Governor and Senate, this power of appointment for wise, wholesome, and good purposes. We expected that in the execution of this power, you would look alone to the common good of the people of the State. How have you exercised the power? In the appointment of judges, have you made the interests of the people your great polar star to guide you? No. It has become a mere political machine in the hands of the Governor and his friends, the Governor and the Senate, and their friends. It is made a great political engine, by which the interests of a large portion of the people of the State have been sacrificed for the elevation of others. You have not always looked alone to the legal attainments and uprightness of the men you have put upon the bench. You have not always looked to their integrity of character,

their honesty, their capability, and the standing which they ought to have by reason of their virtues; you have selected, in many cases, mere partisan adherents to certain political creeds. I am now using language which the people have a right to use to those subordinate agents, who have heretofore had the exercise of this power.

Your appointments have not subserved the public interests. You have placed upon the bench, old and infirm men, not fit, either mentally or physically, to perform the duties which the Constitution or the public exigencies require of them. You have done all this. All the purposes for which we—the people—gave you the right and power to appoint these officers, have been abused and frustrated, and now we choose to take it back into our own hands. We think we can do quite as well as you. The time has come now, when we have a right to call upon you for an account, to see how your administration of this trust has been discharged. We find that you have entirely failed to fulfil the objects for which we made you our agents. I appeal, when I say this, to the judgment of every member of this Convention, to the common observation of every man in the State, if what I say is not true? Can you show me an instance, from the time of the formation of the Constitution of 1776, to the present day, in which the Governor and council or the Senate, in the execution of the appointing power, have not made the appointment to depend more or less on the political complexion of the applicant? We all know that this is so. They have appointed some good judges, it is true, and some very bad ones—some who were competent, others who were incompetent. The motives which actuate them, however, were every way in contravention of the original objects of this grant of power. I might say to them, then in the name of the people, you have betrayed your trust, you have not executed it as we intended you should, and we now take it back to ourselves. In the exercise of this, however, we think that we will be more discreet—we will look more to the merit of the candidates—to their honesty of character—their integrity of purpose—to their qualifications as lawyers, as men, and as citizens. You have not done this, and if you were put upon your trial, you would be obliged to plead guilty to the charge! Then, sir, we are not demagogues—we have a right to call our agents to a strict account of their stewardship. They have no right to quarrel with us, because they choose to conceive it to be an inconvenient time. I say now is the time—now is the very time to do it. The question of right cannot be disputed. I hope never again, sir, to hear of demagoguism. I hope never again to hear those who advocate the election of judges by the people, charged with looking solely to a disposition to court public favor. Sir, we stand on higher and holier ground, the impregnable ground of right—of inherent right.

I expect to hear a good deal of declamation on this subject. I put that, sir, under my foot. Gentlemen who declaim against this measure, may array themselves if they please against the constitutional rights of the people. But I will