

ber?" The judge then will be but a man, a better man it is to be hoped, than many others; but still subject to the universal law of his being, influenced by motives, perhaps of a higher order; but nevertheless yielding to those which are most influential in human conduct. Let us then inquire, what are the motives which are likely to be presented to his mind. Doubtless in this enlightened age, when public sentiment is to some extent controlled and instructed by the precepts of a pure religion and a sound morality, there is no man who would not obey his sense of propriety, in the absence of any inducement to do wrong. He would therefore do right (that is to say, what he honestly thought right,) if no temptation existed. Of course I do not speak of one who, by indulgence in a dissolute, vicious course of life, has demoralized his feelings, and blinded or blotted out his moral sense. Such a man could not be considered as an index of the character of the officer; and any other would perform his duty in the absence of any strong motive to induce a neglect or violation of it. There is nothing in the character of his duties to bias or warp an honest mind. He has no patronage to whet the avarice or excite the ambition of friends or relatives. He confers no office. Candidates for such honors must look elsewhere. His duty is only to act judicially in coercing an officer to the performance of his duty, or in restraining him in any attempt to exercise it oppressively. He acquires no power for himself. His business is, to determine when others abuse theirs. He acquires no riches by the exercise of his functions. He decides upon the contested rights of others; but whether his judgment shall be in favor of A, or of B, no matter how large may be the amount involved, not one farthing of it is to go, in any event, into his own pocket. If a case occurs, in his court, in which his own interests are involved directly or remotely, he must retire from the bench, and leave its decision to an impartial tribunal, before which the judge is merged in the suitor. He is to decide exclusively on the rights of others. He does this by no voluntary act on his part. He never goes in search of an opportunity to exercise his authority; he asks no man to come before him for judgment. But, while he cannot do this, if he would, he is as much the slave of necessity on the other hand. He cannot, if he would, avoid the exercise of his duties, whenever they are put in requisition. He is bound, whenever offences are charged, or injuries alleged, to interpose his jurisdiction, and—often, very, very often, under the most painful circumstances—to hear and decide upon the fiercest, bitterest contests. There he sits, however. The more tender feelings of his heart may excite his anxiety, or his refined moral sense may feel a disgust. But there he must sit, calm and unmoved, with no license to indulge either, but compelled to consult the stern dictates of his judgment and knowledge. To these, every man may appeal who chooses to think himself injured, whether he be so in fact, or not. However unreasonable his complaint, whomsoever it may affect, the judge must listen, he must examine and decide it. Any

one may appeal to him, but as the exponent of the law, he must give the same response to all. The law is made for all who come within its provisions, and all are entitled to its equal, impartial and prompt administration.

It prescribes the line of his march; and his feelings, his reputation and his peace of conscience, will not allow him to stagger, to halt, or to turn aside, merely from a desire to do wrong.—*Such then is the condition of the judge, if temptations, inducements to do wrong, be kept out of the way. And that they should be, as far as practicable, I now assume as an admitted proposition.* To enable us to guard against them, we must understand what they are likely to be—those occasions, which disturb the regular current of impartial justice, whence are they likely to arise? Now, to all controversies, there are at least two parties. It may, it often does so happen, that one of them is rich, powerful and influential; the other poor and despised. The one has the distribution of patronage or favor, which enables him to control, if not the opinion, at least the voice of a large circle of expectants or dependants; the other is without influence, or friends.

Here is a case that appeals to the infirmities of the judge. Yet the rules of law are the same precisely, as if the character of the parties were exactly reversed, or exactly alike; and therefore, its even current should not, in any respect, be disturbed. The humble man has the law on his side; the powerful man has misconceived his rights, or has intentionally encroached upon those of his poor neighbor; or the point is a difficult or a nice one. But in any event, a decision in favor of the opulent, popular litigant, will ensure commendation and favor for the judge; while a decision against him, will excite the censure and condemnation, not only of the great man himself, but also of all those who speak and act as he directs. The despised litigant on the other hand, can neither accelerate nor retard the progress of the judge towards reputation, honor, and social enjoyment.

Is there not, then, an obvious temptation here? *I do not put the case of a Judge tempted to an act of wilful corruption.* It is not necessary for my argument. I take the case of a judge just as honest as those we shall find in the class from which we must select. Yet he bears about him the infirmities of our nature; its weaknesses, its follies if you please. He, like all men, has his prejudices and his partialities; he, like them, must to some extent, find his judgment under the dominion of his passions, of his appetites, or of his self-regard. Thus tempted from the line of his duty, he must have some counteracting influence, to fall back upon. What is it and how is it to be supplied?

Sir, human invention may be scanned in vain, imagination's widest, wildest range may be traversed, to find any other effective means to accomplish the necessary object—one and one only can be found—a conscious independence of the judge. He must have this, and having it, he has all that is necessary to quiet his apprehensions, to subdue his prejudices and partialities, and to