

leave him in the indulgence and expression of opinions formed under that high sense of the responsibility, which he owes to Him who gave him his being. This is the rock of his safety. On this he looks with no fearful concern for his security, although the waves dash furiously at its base. He knows and feels they cannot harm him, and he treads with as firm a step as if the sea before him were calm and unruined.

Now, let us consider the opposite hypothesis; let us so arrange matters, as that the influence of the man of wealth and power shall be brought to bear directly upon the most important items in the comfort or convenience of the judge; in fine, upon his very official existence; and then how may we expect the arrangement practically to work?

I do not mean to say, there are not men proof against all such opposing causes; men who would jeopard their lives in the strict performance of duty, and become martyrs to their principles. We have had Martyrs—men who have rushed to the stake to vindicate the truth of their opinions. Religion can make men Martyrs. We have had warriors and heroes, to take the advance in a forlorn hope, and with fearful and countless odds against them, to plunge into danger and death, to rescue a nation or an army. Why are Martyrs at the stake, the objects of our veneration? Why are Warriors and Heroes, who have poured out their blood on the battlefield celebrated in history, and cherished with admiration?

Sir, it is because they are *rare*. If every man was a Saint, or a Hero, the character would lose its charm. But, again, let us consider the wide difference in the cases. The Saint on earth is sustained, and borne through his fiery ordeal by the strong hope that he is presently to be a Saint in Heaven, and to receive an ample reward for his sufferings here. The Hero knows that he is to acquire perennial fame, while the habits of his life, his passions and feelings, make him regard all things as unworthy even of comparison with so high an object. How is it with the poor judge? He is assailed by the influential adversary, with charges of incompetency or misconduct. His destruction being the object, the means most effective will of course be resorted to. If his ability be well established, his purity must be attacked; if he has more character for integrity than for talent, then the latter must be defamed. Once got him into bad order, and the business of thrusting him still lower and lower, will not be difficult for such agents. And what is the result to him? Honor and fame and immortality amongst men? No, sir. Infamy, disgrace, oblivion—these are his portion, when those who riot in the ruin of his character, have accomplished their ends. Few can, still fewer will, examine minutely into his history. He is a degraded judge, offensive to those who lead and control the sentiment of the community, charged with numerous delinquencies, and by that community condemned. You first compel him to decide, and then for deciding conscientiously, you doom him to a hopeless degradation, robbed of

his reputation, and probably thereby deprived of the means of future acquisition, either of character or property.

I am aware, sir, of the attempt which some persons make to obviate these difficulties, which they cannot but feel and acknowledge, an attempt by which I believe they do actually deceive themselves. They say they admit the necessity of having the judge *independent*, and they wish to make him such. I was quite amused the other day, to hear one of the gentlemen across the hall, full of zeal in what he regards a "reformation" of our judicial system, and repeating the phrase—"*An independent judge dependant upon the people!*" It shows the fact, at which I rejoice, that there is a deep-seated conviction of the GREAT TRUTH, that a judge should be independent—even with those who have been innoculated with the virus of pseudo-reform—of change in every thing. Sir, it is an inbred element in the constitution and character of the Saxon—this respect for law and for the purity of its administration—and as essential to it, the independence of the minister of law.

Now, sir, paradoxical as it may seem to some, I propose to show that there is at least as much reason for making the judge independent of the *people* in this country, as there is in England for making him independent of the *crown*. It certainly is the boast of the English Constitution, that the judges there are no longer tenants, at the will of the Crown. It was a brilliant achievement in favor of liberty—a great popular triumph. The measure was, to a very considerable degree, effected by the 13th William III, and it was completed by 1st George III, which was the first to enact that the commission should not expire with the demise of the King, and which also made his salary permanent. Every man at all acquainted with the history of jurisprudence, or indeed with political history, appreciates the inestimable blessings guaranteed to the citizen—to the humblest, the most persecuted citizen—by this independence of the judge under the British government. Yet I hope to satisfy those who will listen, and will allow the argument to have its fair effect, that all the reasons which make it valuable and necessary there, apply with all their force, and some of them with much greater force, to our condition here.

Let us go back a little way into English history. Before the independence of the judiciary, the system was virtually a tyranny. And why? Because the rights of the individual citizen were held at the will of the Sovereign, uncontrolled by fixed and known rules of law. That is the very definition of tyranny. It may exist in a monarchy, in an aristocracy, or in a democracy; but in either form, if the will of the sovereign power is not controlled by settled laws, which secure the rights of person and of property, the government is essentially and emphatically a tyrannical government. The sovereign in England was the king, and the king, without the control of law, was therefore the tyrant. I do not mean to say that he constantly acted out the character. A man may have power which he