

sures as the faithful execution of the laws requires; and such as will secure to the people their rights of person, of property and of reputation. These are the rights which society and government are instituted to protect, and it is *suicidal* to maintain for the people, or for the government, a right to destroy or disturb them. Men, whose moral feelings are depraved, require restraint, because they will otherwise, intentionally commit injuries, and others under the influence of passion or prejudice may do the same. And knowing this, the government—the power of the people—should guard and protect those who would otherwise be the victims of such persons. The latter are a part of the people, and government is as much designed for them, as for others; indeed, more so. Each portion of the whole has its respective and often divers interests—in other words, its wants. The mercantile interest may be greater or less than the agricultural, or those who are laborers may be fewer in number than those who are not; yet each has an undoubted claim to the care and protection which his interests require. And so it is with all portions; but it is emphatically the case with the feeble and the destitute, who have smaller means in every respect to protect themselves, and can look no where but to the law and its administrators for protection. Now, then, if all this be as I have stated, it is manifest that your laws must be free of access to all, equal to all, and certain for all. To have them administered with a halting, hesitating step—to let them bend one way for this man, another for that, can but encourage, and must sometimes sanction the doings of the wicked or the passionate or prejudiced, while it will necessarily alarm and discourage and often ruin the victim. The consciousness of certain defeat or punishment, will generally restrain men from fraud or force; while a chance of success or escape will operate as a premium to hazard the experiment.

But can the judges be expected to do their duty, when their very existence depends upon doing otherwise? You will not allow a judge to act, when his near relative has an interest in his decision; but to decide when his own rights of person, property or reputation, are the subject of controversy, would shock every man's sense of propriety. Why is this? The answer is obvious. His partialities would bias his judgment, if his integrity were proof against temptation, and the reason is abundantly sufficient to justify the rule. But does not the same reason apply, with all its force, when his official existence, which may be his means of subsistence, when even more than this, when his reputation and fair character are not (it is true) the subject of the controversy in terms; but deeply involved as consequences resulting from the particular manner in which he may decide the case? If the value of one dollar of his property be at stake in the issue, he is disqualified for assumed partiality; and yet when consequences utterly ruinous to himself may grow out of the decision, you are asked to disregard their influence. Now, sir, my proposition is that he be placed in a condition to exempt him from these consequences—from all fear of them.

Let him be defended against any such influence, and against all other influences, but that of a high and moral obligation, to do his duty faithfully and firmly—yes, sir, in one word, make him “*independent*.” And the way to do this is to make his tenure of office to depend, not on the frowns and smiles of those upon whose rights he may pass judgment, but upon his faithfulness and firmness—upon his “*good behaviour*.” This, sir, is what the “rights of the people” require; this is what all the people ought to desire; and, I have no doubt, do desire. They ought to demand it, because the wants of those for whom Courts and Judges are provided demand it; because the pledge and promise of protection and security made them by the people, will otherwise be false and delusive. If it were only to those, who are suitors in your courts that these pledges of protection are broken, it would be unpardonable. But to suppose that, is to commit a great error. The man, who fulfilling, in all things, his obligations as a peaceable, quiet citizen, has had the good fortune to escape a collision with his neighbor; who has never had occasion to consult a lawyer, or invoke the interposition of the Court; who in all his life has never had a controversy—he, too, has a deep interest in this matter. Sir, it is the sure and certain administration of the law; it is the known definition of his rights; the moral certainty that they will be enforced by the Courts; it is this, that has saved his rights of property from aggression, his person from outrage, and his character from defamation. Let the restraints of the law be withdrawn; and the quiet and peaceful men will find others in the community, who only need encouragement to invade their rights. Yes, sir, a withdrawal of restraint will make the latter offenders, if they are not such already. It is then due to all, that the law should be faithfully and fearlessly administered, and that, to this end, the Judge should be “*independent*.” To what else can men look for safety? In a despotic government, the will of the monarch is enforced by the bayonet. That is a very simple mode, most assuredly, of administering what is there deemed justice. But such justice does not exactly comport with our republican notions; and we are not likely to have either a despot to decide the law in the same breath which creates it, or a military corps to enforce his edicts. We are thrown entirely upon the power of the law. There, and no where else, must every man apply for a remedy. If my neighbor attempt to take my property—if he abuses my person—if he villifies my character—I ascertain the law. It is fixed and settled. I can demand the aid of the Court. It is open to all. I claim the sentence of the Judge, in conformity with that fixed law, regardless of his prejudices or his partialities—of the favor or affection of my adversary, however influential.

Reverse the case, and what is the value of your law? What avails your Court? It admits the suitor within its halls, but it mocks his effort to obtain redress. Is it amongst the “rights of the people,” thus to make a mockery of law and justice? Is this a right which it is desirable to “restore” to them?