

on both sides are such as do not meet with the approbation of the mass of either party. We constantly hear the best men of either party say, that their party nomination is one "not fit to be made." But does that remedy the evil? Does the mass of the community rise and unite upon a third man, really fit, and elect him? If such cases happen, they are rare indeed. Men of both parties may lament the wretchedness of their respective candidates, but if any man of character offers himself, or is brought forward, as an independent candidate, many of those who have complained most bitterly of the nominations, will say to him—You have violated your party allegiance, your course may break up our party organization, and however superior are your individual merits to those of our regular candidate, we must vote against you. The result is almost invariably such as to discourage opposition to party candidates, and to establish the caucus system spite of all its defects and corruption, in still more tyrannical supremacy.

Now there is little reason to doubt, that all these evils which we have experienced in regard to nominations and elections for political offices, will also be felt in regard to the judges to be chosen under this Constitution, should it be adopted; and it is to be feared that the consequences will be far more seriously injurious to the community. Even in filling the almost sacred office of judge, it is to be apprehended that the people will too often submit to the dictation of irresponsible, almost self-appointed, committees of political managers.

It seems to be undisputed, that the candidates for the judgeships, will generally be nominated by party Conventions. Some of the probable effects of this, especially in regard to the county or district judges, may be worth considering. In a number of these counties or districts, the strength of the two great political parties is nearly equal; and as the great mass of each party will support its own nominee, a small portion of voters may sometimes control the result. This small portion may in some instances be composed of venal men. I do not mean, that they may be bought with money, though we know too well there are such, but they may have certain personal interests of their own to subserve, certain private purposes to carry out; they may have reason to desire that certain laws should not be rigidly administered, and from some such motive, they may decide the contest in favor of the least worthy candidate, because he is least worthy. Examples of this sort may easily suggest themselves to the mind, on a little reflection. Call the attention of the better class of voters on either side, in any particular election, to such a danger as I have alluded to, and beg them to forget, for a moment, mere party ties, in order to counteract it; yet your efforts would be vain, and you would be told, perhaps, that their nominee had done faithful service to his party, and though it was not proper to have nominated him, yet being nominated he must not be abandoned.

Suppose then this same man, thus elected, is by your Constitution made re-eligible. In the

course of his term he will have before him a large number of his constituents, whose controversies he must decide. As the close of his term approaches, his thoughts may very naturally turn upon his prospects for re-election. He has become well seated, all his habits and feelings have accommodated themselves to the position he occupies, the certainty and regularity of his salary are agreeable to him, and he shrinks, perhaps, from the idea of again engaging in the harrassing conflicts of the bar. It may well happen, that at such a time cases may be brought before him, in which very influential men, great political managers, who can control nominations, and who absolutely govern a considerable number of votes at every election, may be interested in opposition to others, who are entirely destitute of any such power, being quiet, retired men, or men of small means, who have but their own individual votes to cast. Now, may it not be difficult for such a judge, in such a position, to maintain an unsullied integrity? And if his integrity is unaffected, yet how can he escape the taint of suspicion, and how can he ensure that general confidence in his purity, without which the administration of justice can never be satisfactory?

I do not speak of these apprehended evils as likely to be the uniform result of the system proposed, but the danger of their frequent occurrence seems to me very great. And why should we be driven upon these dangers? Do the people themselves require any thing more than a just administration of the law, and will not they be best pleased with such an organization of the judiciary as will give the best security for such an administration? Do they think it so great a privilege to vote, that they must have all officers directly chosen by themselves? Gentlemen here have taken pains to argue in favor of the right and the power of the people to elect the judges. Has any one here denied either the right or the power? Such arguments are deceptive; they lead the minds of men away from the true points at issue.

The right, as well the power, of the people, to regulate the mode of selecting all officers is undoubted; but is it for their advantage that the right should be exercised in the manner proposed. That is the true question. I cannot believe that the people desire to have the privilege of voting for judges, if it would probably result in injury to their best interests. They have already quite as much voting as they want, and they will never consider that you mean to deprive them of a right, because you propose that their power shall be exercised indirectly, as for instance, by the intervention of agents chosen by themselves. We are sent here by the body of the people, and our object should be to make such an adjustment of the whole system of government as we believe will operate most beneficially for those we represent. They will themselves pronounce their decision upon work when it is done. Because they have the power to adopt what is injurious to them, we must not suppose that they desire to do so.

I repeat, Mr. President, that the amendment, I