

he could be so egregiously mistaken. Other gentlemen understood him as I did. Mr. Brent here referred to Mr. Bowie and others who assented. I say he illustrated his argument by an analogy between the existing case to be decided and the case of a moral proposition to be submitted to a man of correct feelings and of proper discrimination, who, if he could not at once distinguish between turpitude and virtue, never could be made to do so by argument. If I am under an egregious mistake, it is because the gentleman expressed himself in such a manner as to lead me into such a mistake.

Mr. CHAMBERS said, I have no desire to change any proposition I have advanced, but I have a very great desire to acquit myself of any intended disrespect to any one. If my language will bear the interpretation placed upon it, the inference deduced from it was never designed. I stated, what I believed to be a fixed law, with regard to the perception and appreciation of moral truth by the human mind. I instanced cases in which this law was found to operate. I did not say, that it was that perception of moral truth, or the want of it, which existed here. Nothing like it. I used it as illustrating what I did speak of, as existing here, what I feared, rather, did exist here. I feared that education, training, and association, had produced in us a political sense, which would accept or reject political propositions at once, or not at all. I applied this last remark to no class or portion of the convention, majority or minority; and in just so many words, said it was quite possibly my own condition. Is there any thing wrong in that, sir?

Mr. BRENT. I do not know that my mind is so constituted, that with the explanation of the gentleman, I can see any difference between my interpretation of his remarks, and his explanation of them. He certainly declared this to be the bottom of an abyss into which we are about to plunge—the lowest depth into which we are to leap, and a matter so plain and obvious to every man of nice sense and discrimination, that it did not require argument, and that any argument would be lost. I regretted to hear such strong language used. The gentleman then went on to admit, with all proper humility, that he himself might be so swayed by prejudices, might be exposed to the same weakness and errors that actuated others, and yet in the next breath asserted, that he thought his judgment was the result of reflection and of truth! I will not, I have too much respect for the gentleman, to say that he is a little pharisaical. I do not like to hear the gentleman tell the whole convention that they are plunging into the lowest depth of an abyss, and that it must be a self-evident proposition, which does not require argument, and then confess himself to be liable to the same frailties, and in the very next breath say that his judgment is the result of reflection and of truth. I think, with all deference to that gentleman, that if there is any plainness in the proposition, it is in favor of the re-eligibility of the judges, for that is the only way to make them independent—the only way to prevent them

from being irresponsible. There is no one argument that can be urged against the re-eligibility of the judges, that can not be urged against their original election by the people. This being a settled point, this Convention having already determined that the judges shall be elected by the people, I say there is no one argument against the re-eligibility of the judges, that does not equally apply against their original election by the popular vote. Having established that as a concession, there are many arguments in favor of their re-eligibility. Are you to place in the same category, on the same platform, the honest, faithful, upright, and impartial judge, the stern unbending judge, with the wicked and corrupt judge? Are you to present no motive, no incentive, to the faithful discharge of his public duties? Are you to say to the good judge, equally with the guilty, the corrupt, the mercenary judge, you shall both leave the bench at the expiration of your term, and not again have your shoulders clothed with the ermine of justice? You must descend to the shades of private life, or go before the people for election to some other office. I say the true policy is to hold up to a man in a judicial position, an incentive to discharge his duty impartially and faithfully.

All these objections are based upon the great original error of distrusting the people—that the same people who cannot be trusted to elect judges, cannot be trusted to re-elect them—that the people have not integrity and intelligence enough to discriminate between a man who should be re-elected in consequence of his merit, and one who should not be elected on account of his demerit. I say that the people will discriminate. I say that a judge who has shown a disposition to bend to popular impulses, to succumb to popular phrenzy, will not be re-elected by the people. The public intelligence will be brought to bear upon him; the light of truth will shine upon him; and if he is found to be guilty, he will be condemned by the popular voice.

The elections take place every ten years. Will gentlemen tell me that popular excitement will not have subsided before this election comes off? Suppose that any candidate, to gratify public feeling, in the midst of his term, has succumbed to it, will not that feeling subside in five years? Will not the sober second thought of the people condemn him, and make them his sternest censors? They will pass judgment upon him for having done this. So long as the maxim stands, "that honesty is the best policy," so long will an impartial judge be revered by the people, and so long should he be re-eligible.

But another strong consideration which weighs upon my mind is this:—Why do we strike at life tenure? To avoid the irresponsibility of the judges, so that no man seated upon the judicial bench shall play the tyrant, or shall neglect his duties, and be irresponsible to and out of the reach of public opinion. I desire the element of responsibility to run through all the civil matters of life; your executive to be responsible; your officers to be responsible. Is there any thing in the Constitution of the State to prohibit the Governor being re-eligible? Nothing, except the mere