

division of the State into Governatorial districts. But when the term comes round again, there is I believe, nothing in the old Constitution, or in the new Constitution, so far as acted on, to prevent him from being re-eligible. If the people desire to re-elect a Governor or member of Congress, if they desire to elect any civil officer, let them have the poor privilege (for it is such) to pass judgment upon his conduct, and say to him, if a just man, "Well done, thou good and faithful servant, you shall be rewarded and re-elected by us." I do say that the great evil of the life tenure of the judges, is that they are irresponsible. They may do as they please; they may favor suitors as they please, and except the mere *brutum fulmen* of impeachment, which has never been successfully tried in this country, they have not been amenable or responsible to any public sentiment or any controlling influence whatever. I desire judges to be responsible to some one. I do not regard the power of impeachment, even in the manner in which it is guarded and amplified by the report of the chairman of the judiciary committee, as sufficient. Men are not willing to come forward and impeach a judge in all his "pride of place" and influence. If they succeed in getting an impeachment up, his powerful and influential friends will unite to acquit him, when he ought to be convicted. When the people come to arraign the judges, and they are presented for re-election, the sober judgment of the people will be brought to bear upon them, and they will decide for or against them, according to their merits or demerits. It is to avoid this responsibility which we find in life tenures, that it is proposed to make the judges re-eligible; and for the reasons I have given, I will vote for their re-eligibility.

Mr. THOMAS was assigned the floor, but gave way at the request of

Mr. CHAMBERS, who said, I will endeavor to show, in as few words as possible, that the very argument relied on for the re-election of political officers, who have so conducted themselves as to gain the favor of the people, is a conclusive one against the re-election of a judge. The single reason assigned for the re-election is, that they have conformed to the wishes of a majority of their constituents, or those who control a majority, and have thereby gained their favor. Now, how is this effected? We are answered, "by doing their duty faithfully." Aye! but that leaves another important question unanswered. Who determines the question of faithful performance? There is an old saying, but still true, "orthodoxy is my doxy, heterodoxy is your doxy." Suppose the representative to be intelligent, and patriotic, and resolute in the purpose of doing his duty usefully, regardless of party influences; and in obeying such a purpose, be called on to give a vote which shall operate, or by his party be supposed to operate injuriously on its interests, what is the result? Will his abilities, will his honesty, save him? No, sir, he has not expressed the wishes of the friends who placed him in office, and he will be turned aside to make room for one who will. Now, sir, is this the case with your judge, or ought it to be the case? is he

chosen to be the organ of the majority? Ought he to express his own opinion, of what is the law, or the opinion of the people, or any body else? Is he to consult party interests and party feelings? No, sir, he is bound, at the peril of his conscience, and all that he regards sacred, to pursue the straight-forward course which truth and honesty point out; he is not to feel, or know any other motive, but a high sense of duty; he is not to know, or to care, who shall be gratified or offended by his decision. This, sir, is the true distinction between the two cases, and on this distinction I base my utter abhorrence of this idea of a re-election of a judge after a term of ten years, or any other limited period.

Mr. THOMAS said, I was somewhat ambitious to take some little part in this discussion, but I forbore to do so, from the belief that the very elaborate argument as urged by the gentleman from Kent (Mr. Chambers) had been well disposed of by my colleague, (Mr. Johnson.) From what has fallen from the gentleman from Kent to-day, it seems to me that he is rather surprised at the judgment of this Convention upon the theories which he divulged, by the very large vote (nearly double) against those theories. I do not wonder that the gentleman feels amazed at it, as well as those gentlemen who pronounced his argument not only unanswered, but unanswerable.

I never have, from the commencement, felt the slightest trepidation about the course we are pursuing. I confess that the gentleman's argument made very little impression upon me then, and I saw it made very little impression upon the Convention. We live in a day and an age when constantly occurring incidents and facts are coming under our observation, and the knowledge of every man in society puts to flight all these old theories. We are experimenting first in one branch of government, and then in another, and have found that nearly all of these old theories will not apply to a system like ours. The gentleman has relied mostly upon authority. Why, I would ask him, even if we were to travel back, upon this question of the Judiciary, to the authorities of by-gone ages, to the days of the Revolution, and to men who were educated in that age, upon the subject of human rights, where would we find ourselves? If we are to look only to the great men of our revolutionary age for authority in all branches of government, and go back to the days when our Revolution was wrought out or our Confederacy was formed, we shall have to change many opinions now almost universally entertained. Consult the men of those days on the subject of the expansibility of the Confederacy. It was a grave question, mooted in those days, whether this Confederacy should be extended so as to encompass the Northwestern Territory. The subject was elaborately and ably debated. At that age the compressibility of human society was not as great as it is now. Then the men were wise and great, but still they did not possess our experience. At the time of the annexation of Louisiana, some of the very wisest and most patriotic men of the Confederacy pre-