

marked, upon all other departments of the government, I feel but little concern, compared with the one we are now considering. I desire to see a pure judiciary. I may be mistaken in my notions about the best mode to bring about such a result. I know that men are but men. I know that education, proper discipline, association, &c., makes a vast deal of difference in human beings; but it is an old saying, and a pretty true one, "every one has his place, and every one his price." I will not remain silent, when I am told that we have a want of confidence in the people, that we mistrust them, because we desire to make an independent judiciary for them, and when we are willing that the people shall elect their own judges, though I would like to have had a longer term. I am willing to give these judges, when they shall be elected, a liberal, though I do not want to give them a profuse compensation, but I never will give my vote to make them re-eligible, unless a sufficiency of time shall have elapsed to cool their political ardor.

I am not disposed to protract this discussion. I was asked, a week or ten days since, whether I supposed that there was any one here aspiring to fill these offices we are about to create? Well, I am a modest man, and do not like always to say what I think; but judging from what I have seen here, and heard here, I have come to the conclusion, and take the liberty of thinking that there are those here who would not object, at least they have patriotism enough to reconcile them to taking, if called upon; some of these high offices. I have no objection to that. Are you going to give to the people a judiciary such as their lives, their property, their persons require. That is what I look for and desire, and that is what I intend to vote for. I never intend and never have intended, to pander to that sort of prejudice that is often gotten up. The people are honest, the people intend to do right, the people if let alone, will do right, and always would and always will if not misled by agitators. But it is to guard against the studied efforts of agitators, of men who, to answer particular purposes, care very little about the interests of the people, I desire to see this amendment negatived. I shall submit quietly to it, though not without regret. I feel that I am divested of all selfishness. I never can be a judge, prosecuting attorney, or any thing as an attorney. My children are small, and all females but one. In this matter, I look entirely to the preservation of the interests of the people. For this I have supposed we were called here, but now begin to doubt whether all have come here with that understanding and at least that determination.

Mr. GRASON said: The re-eligibility of the judges presents a question that is not entirely clear of difficulty. It is certainly important that the office should be so constituted as to induce competent persons to accept it. If judges are elected for ten years, and are ineligible afterwards, the people will be compelled to choose between lawyers, who have lost their practice, and those who have never had any; unless a much higher salary be allowed than is proposed by the Con-

vention. Lawyers in full practice will not relinquish their business for a seat on the bench, from which they must retire at the end of their term, when it will be too late to resume their professional labors. But it is urged, as an objection to the re-eligibility of judges, that instead of firmly discharging their duty, they will frequently be influenced by a desire to conciliate popular favor, for the purpose of securing their re-election. Admitting that weak or corrupt judges might possibly be controlled in their decisions by the fear of losing their popularity, how could they be secured from such influences by making them ineligible, unless they are deprived of the right to fill any other office after the expiration of their term?

We are about to confer on the people the privilege of electing all the important officers of the State, and a judge, ambitious of public distinction, would be as apt to yield to popular clamor, from a wish to be elected clerk, or register, or member of Congress, as for the purpose of being continued in the office which he held. Besides, he would have no inducement to improve his capacity for a station in which he could not be continued; but on the contrary, would be more likely to participate in party contests, as the only means of securing a party nomination to some other office. When the vote was taken yesterday, for the election of judges by the people, I was prevented, by indisposition, from taking my seat in Convention. When the name of a member is not found among the yeas and nays, on questions of importance, he is sometimes suspected of a wish to avoid responsibility. I therefore take the present opportunity of stating that, if I had been present, I should have voted in the negative.

Mr. HOWARD said, I regret exceedingly that in the vote I am about to give, I shall differ from some of these gentlemen with whom it has been my pride and pleasure to act, and in whose opinions I have always placed great confidence. The older I become, the more distrustful I am of my own judgment. To that natural distrust, there is added now the consideration that I dissent from those gentlemen, whose opinions are always entitled to my respect, and sometimes commanded my acquiescence. I intend to vote for this proposition. The gentleman who just addressed the Chair (Mr. Grason) said it was a question surrounded with difficulties. It is so. The main consideration which influences me is not any distrust of the people, or an unwillingness to confide any question to them, but it is a conviction of the infirmity of our nature. There is more wisdom in the few words that are put together "Lead us not into temptation," than was ever compressed into the same compass before. "Lead us not into temptation." We are about to place upon the bench a man who will have the control of questions deeply interesting to the public, deeply interesting to private citizens. I desire to secure for him an exemption from temptation of every kind. It is true, as the gentleman from Queen Anne's (Mr. Grason) has just said, that other offices are open to these individuals, and in the effort to obtain them they may swerve from the