

In countries to which the blessing of a written constitution is denied, the bold figure by which Omnipotence has been ascribed to it, can scarcely, when properly understood, be deemed extravagant. But in our happy land, this Omnipotent legislature has been compelled to bow before a mightier and more majestic power—the power of the people. This really sovereign power has assigned limits to all subordinate powers which they cannot transcend; it has established certain principles of organic law, binding alike on the citizen and the legislator, which neither is at liberty to violate or contemn, and which every legislator is bound by the highest moral sanctions implicitly to obey. One of the most important and sacred of these principles is, that which declares the independence of the judiciary. This department, which is the best and surest guard of the lives, the liberties, the property and reputation of the people, whose independence is of such deep moment to the well-being and happiness of the state, is unhappily the feeblest of all the departments of government. It possesses none of those means of influence which give stability and energy to the legislative power. The judges are few in number, and are rarely brought in contact with the body of the people; they are precluded from engaging in those objects and pursuits, which principally occupy public attention, and have no means of influencing public opinion. They have no control over the purse-strings of the state, no patronage, and no opportunities of performing any of those acts of grace and favour which have such powerful efficacy in conciliating kindness and regard. Their labours are discharged in the calmness of retirement, and are known only by their results, and these results, to those who are affected by them, not unfrequently appear harsh and unpleasant. The friendship of those in whose favour a judgment is pronounced is not conciliated, because they rightly consider themselves as receiving only what the law awards and what they are justly entitled to; whilst the unsuccessful litigant considers himself wronged, and imputes to the judge the injury which he deems himself to have sustained. Those who approve his decisions are silent and supine; those who are dissatisfied are clamorous and active. Thus there are at all times numerous little, busy factions, scattering whispers and insinuations, and ready to act with united force against the most upright and independent judge. Against these combined attacks he is obliged to contend alone, and has nothing to oppose to them but the shield of integrity. His decisions and conduct are liable to misconstruction, while the reasons on which they are founded are not known, or but imperfectly understood. If to these and other elements of weakness, (which operate with peculiar force in regard to the office of chancellor,) be added insecurity in the tenure of the commission or the salary, the judges cannot possess the firmness and independence which are indispensable to the faithful discharge of their high and important functions. In vain should we expect the scales of justice to be poised with a steady and even hand by one who was agitated by the tor-