

the bench do not come into the field to electioneer—although you may witness even that after a while, when the awe for the judiciary has worn off by this unseemly familiarity—yet their friends and opponents will be active both in public and in private, and will ply all the machinery by which popular elections are commonly decided. Can a judge thus elected, help knowing who have been his most strenuous supporters, and who have opposed him with greatest vehemence; who have abused his personal character to the lowest point of infamy, and who have praised him as if he were a god? If he be not ignorant of these things, is it in human nature to forget them? I can conceive of no more painful situation for a man of sensitive feelings. Even when conscious of his own freedom from bias, either of favor or prejudice, would he not often be tortured by the thought that he was suspected, and might he not sometimes, when he remembered the frailty of his nature, feel a distressing doubt of his own impartiality? Under any system, however independent the tenure of a judge, and however upright he may be in performing the duties of his office, malignant minds may suggest suspicions of his integrity. But then the strong consciousness of rectitude in his own heart, would be seconded by the support of intelligent and sober minded men, who would sustain him in a special case, when they know that his general course is governed by a rigid impartiality, and who would not believe that he could be easily swayed by mean personal motives. Suppose, however, under the proposed change, an important case—and such might easily happen—where his sense of justice compels him to decide in favor of some strong partizan, who has actively and efficiently exerted himself in favor of his election as judge. Might not suspicion find its way under such circumstances, to the minds of even the best disposed of his political opponents? To have a suspected judge upon the bench, whatever might be his actual integrity, would to the common sense corrupt the very fountain of justice, and make its waters taste bitter, even when purest and sweetest; and I fear, that after a while, the experience of such a state of things, would prevent the best men from consenting to occupy such positions.

Whatever confidence we may have in the sagacity and uprightness of the mass of the people, we must remember, that in our elections they do not decide between the best men; not because they cannot, but because they have not the opportunity. The voters will not themselves select those for whom they must cast their ballots when they come to elect judges. Practically, it will not be in the power of any one of them to say—"I deposit my vote for the man who I think most fitted to be a good judge." He must, unless he is willing to throw away his vote, take one of two party nominees—his choice is in fact, limited to two men, neither of whom may be fit for the office. Now, by what magic can the people select one good man out of two bad ones? The effect of this is, that before the

day of election, two men are chosen by irresponsible colleges of electors, unknown to the laws, and from these two, the people have the privilege of selecting one. If the proposition were made here or out of doors, for a college of electors to be legally chosen by the people themselves, which college should select our judges, or select candidates to be put before the people—that would be denounced as aristocratic, as proceeding from a distrust of the people. Yet in the present state of politics in this country and State, the power of choosing their own servants is more completely taken away from the mass of the people than if the intervention of a college of electors were made necessary by the laws of the land. Can this be denied by any one at all acquainted with our recent political history?

Let us look at this matter somewhat in detail. It may seem beneath the dignity of the subject under consideration, to examine the machinery by which political nominations are ordinarily made, but it is all important to enable us to judge of the practical working of the system. Sometime before an election is held, primary meetings are called in every election district by both parties to select delegates to their county nominating conventions. Out of four or five hundred voters in a district, perhaps ten or a dozen, rarely more and often not half the number, attend the primary meeting. Any man who pleases to spend a single day in riding round the district can get together just such a meeting as suits his purposes, and by some little concert the same thing can be done in other districts. Thus the delegates sent to the county convention are often the representatives of a most insignificant number of the voters, and meet to carry out their own private plans and political intrigues, or those of designing men who have pulled the wires. Of course there are exceptions, but in general it must be admitted that the most honest, intelligent, and disinterested men in the county do not take such an interest in these proceedings as to attend the meetings and govern their action. You may tell them that it is their duty to attend, and you may point out the consequences of their neglect, but they will not heed you. For the most part, even the best men in the community concern themselves more about their private interests than about matters of public concern; and their method of attending to their private interests is to stay quietly at home in the pursuit of their ordinary business. The small politicians, the busy wireworkers, also take care of what they consider their private interests, but they do so by devoting themselves to the management of the primary meetings and party conventions, and securing such nominations as may best serve their own particular purposes, either present or prospective. This state of things is the same in both parties, and what occurs in the counties, occurs also with more or less variation in larger districts, and in the whole State. The result very frequently is, that the nominations made