Judge Wilmot's Defence.

[CONCLUDED FROM FIRST PAGE.]

terms; but perhaps left it to inferred from the general character of their talk.

Since the admission to the Bar of the young man who was thus free to impugn my motives, there have been in the Orphans' Court and in hundred and three Audits : of which that gentleman has had eighteen, nearly one fifth of the whole number, and very nearly one half of the whole number have been given to gentlemen that Judicial District. To Mr. Elwell have been given six; while to Mr. Mercur, who is represented to have such undue influence over me, there has been given not one. These matters are proved by the certificates of the Pro-

I would here notice the unfounded charge, that of being unduly influenced by my friend U. Mercur, Esq. Of some forty causes taken into the Supreme Court from Bradford County in the six years that I have been upon the Bench, I am not aware of but three reversals by the name of Manson Elsbre, now a Democrat, and the Sheriff and Prothonotary, political and personal friends. Mr. Baird and Mr.

The first of the two cases reported in the constant attendance upon the Sessions.

cur took a writ of error and reversed me.

Thus, in the cases tried in Bradford County, in which I have fallen into error, thought worthy of review, I have erred against my No political opponent from that County has ever been compelled to go outside of my Court to obtain his legal rights. I submit if this striking and significant fact ought not to shield me from the charge of political bias, with all impartial and candid men? No gentleman whose name is on the Bar memorial ever reversed a case decided by me, except Mr. Baird, and then only to carry the cause for my political friends, against whom I had de-

Again I have understood that it was asserted before this Committee, by one not a member of the Bar, (V. E. Piollet) but whose feeling in this movement transcends that all others, that no political' opponent could obtain a License in my Courts.

This charge is made in utter disregard of truth, and of the facts spread upon the records of my Courts. The Court in my district has been exteremly liberal in the granting of Licenses-too liberal, I fear, for the good of the community or the honor of the Court. I feel community or the honor of the Court. I feel intirely safe in the statement that not more than three or four cases can be found in Bradford County, and not a grater number in the County of Susquehanna, within any year of my official term, where the Court has refused, for official term, where the Court has refused, for any cause whatever, to grant a Tavern License where the application was filed in time to give the the notice required by the Statute; and the statement I will verify by the records of the Court, time for that purpose being allowed me.

Again, I understand that it was made a ground of charge against me, by the same man who so unadvisedly preferred the one last noticed that none but Republican Tipstaves attended upon my Courts. This is too trifling; and yet it has more of deceney, because more of truth than other charges brought against me. The vigilant informer who presents this grave ground of complaint, although seldom an attendant upon my Courts, very probably knows more about the polities of the Tipstaves than does any member of the Court. I can only say for myself, and, so far as I know, for my associates, that no member of the Court has ever had one word to say upon a matter so important as the appointment of a Tipstave. TheClerk has been permitted to select whoever he pleased for this duty, and if there be anvthing wrong connected with it, it must be in this, that the Court has surrendered into the hands of its clerk so important a function.

Seriously, I appeal to this Committee, if ever before a Judge was arraigned upon charges like these? The Judicial office has, heretofore been deservedly held in high respect. I submit that the day of its respectability is gone, if Judges can be brought before the Bar of a Legislative Committee, upon such accusations, by any one who may entertain malevolent feelings toward them. A Judicial Commission in Pennsylvania, will not be of much worth in the estimation of honorable men, if this case should become a precedent for future Legislatures. No Judge will feel safe in his char- AFFIDAVITS OF SHERIFFS THOMAS, CODDING, acter or office. The lines of Judicial Districts will be marked in the saud. The tenure of the office will virtually depend upon-party ascendency in these Halls. That provision of the Constitution will be abrogated which de clares that President Judges of the Courts of Common Pleas " shall be elected by the qualified electors of the Districts over which they are to preside, or act as Judges."

I have heard a rumor, that I was in some way blamed in the matter of a criminal prosecution, Commonwealth vs E. B. Chase, indictment for Libel, instituted by me some two years ago. The rumor is not sufficiently definite to enable me to state wherein the wrong is alleged to consist. In this case I feel that great injustice was done me-that my rights in Court were put in jeopardy, though influences that I will refrain from commenting

I will read the affidavit of the District Attorney, when this Committee will see that whatever wrong there was in this case, the responsiblity of it does not rest upon me. That if in a single case partizan influence so far entered the Court as to make a grand Jury forgetful of its duty, other parties than myself have answer for it.

I also present to the Committee the record containing on file the paper in which the Libeller retracted his slanders, and also showing the entry of a nolle prosequi on the same day.

(From the Mintrose Democrat of April 17, 1856.)

"Judge Wilmor feeling that his official conduct and integrity have been unjustly assailed by publications in our paper, we desire to say in justice to him, to the public and to ourself, that we did not intend to impugn the interity of Judge Wilmor as a man, nor to charge upon him corruption, partiality or political bias, in the discharge of his responsible daties. We have seen nothing, nor do we know of anything, in the conduct of Judge Wilmor, to warrant such a charge.

This man, who to avoid the consequences of his crime, professed contrition for the wrong he had done me, and implored my forbearance, renewed his abusive publications within three weeks after, and is one of the instruments in the hands of others to renew his slanders at the Common Pleas of Bradford County, one this time. He is now safe in being irresponsible to answer in a Court of law for any Libel he may publish.

Another rumor has reached my ears, which I will notice no farther than to make a direct whose names are on the memorial to blot out and positive denial of its truth. It is, that on some occasion, (when, rumor sayeth not) I adjourned my Courts in the middle of the afternoon, to make a political speech.

I have now referred to all the charges and rumors of complaint that have reached my thonotary and Clerk of the Orphans' Court, ears. Does this Committee believe that stories thus idle and unsubstantial would be circulated in the streets, and relied upon to carry this measure, if any real cause of complaint ex-

Before leaving this branch of the subjectthe charge of partiality and political bias-I desire to lay before this Committee some evup to this time. One case, not yet reported, idence that meets directly, and conclusively was a small matter of costs, between a man repels such a charge. I submit, it is not reasonable to suppose that all the members and officers of the Court are corrupt and untruthful men. If this charge of "partiality and po-Elwell were the Counsel concerned. I ruled litical bias" has any foundation in fact, it must the case in favor of Elsbre, against my friends. be within the knowledge of other members of Mr Baird took a writ of error and reversed the Court, and of those officers who record and execute its decrees, and whose duties require Books is that of Paine vs. Edsall, 19th St. Associates must have been partakers in my Rep. page 178. I ruled the case in favor of guilt-they as well as myself, must have been who was a Democratic candidate for governed by partizan influences, if indeed any the Legislature in 1856, and the client of Ed. such influence ever had a place in the breast Overton. Mr. Mcreur took a writ of error of the Court. I now lay before the Committee the sworn testimony of every Associate, The other case is that of Fowler vs. Jenkins save one, eight in number, who have sat upon 24th St. Rep. page 308. I know not the politics of either party. Mr Mercur and Baird evidence of the Prothonotary, Clerks of the were the counsel concerned. I ruled the case Orphans' Court, and Sheriffs of the County of in favor of Mr. Baird's client ; again Mr Mer- Bradford, who have been in office during my Indicial term.

AFFIDAVIT OF ASSOCIATE JUDGES. "The undersigned, Associate Judges of Bradford and Susquehanna counties, who are now in office, or who have been in office during Judge Wilmor's term upon the Bench, being duly sworn, doth depose and say: that during their several terms of office they maintained the most free and confidential relations with the said President free and confidential relations with the said President Judge; that they never saw anything in the conduct of said President Judge, indicating the least partiality or political bias, towards either counsel or suitor; that they never heard from said Prest. Judge an enquiry as to the political character of a suitor in Court, nor a suggestion touching the political effect of a decision by the Court of any cause or matter before it; that the deportment of said Judge was uniformly courteons towards every mem-per of the Rev and absorptional throughout he very incoper of the Bar, and characterised throughout by proprie-

ber of the Bar, and characterised throughout by prop ty and decorpun."

AARON CHUBBUCK,
U. BURROWS,
JOHN F. LONG,
D. D. WARNER;

JOHN PASSMORE.

AFFIDAVIT OF PROTHONOTARY AND CLERK OF THE ORPHANS' COURT.

ALLEN M'KEAN being daly sworn doth depose and say that he is now, and has been, since the Fall of 1848, Prothonotary and Clerk of Courts of Oyer and Terminer, and Quarter Sessions of Bradford County; that during term time he is invariably present in Court attending to his duties; that from the time Judge Wilmor came on the Bench, in Dec. 1851, he has been a constant and watchful observer of his official conduct; that he never saw anything whatever, in the decisions or deportment of or the interruption of jury trials in actual progress. This leponent further says, that the business in said Court has been transacted with promptitude, and so far as this

deponent has ever known or heard, with general satisfaction to the B4r and the public.

ALLEN McKEAN. Sworn and subscribed before me, March 6th, 1858. N. N. BETTS, J. P.

N. N. BETTS, J. P.
H. L. Scorr being duly sworn, doth depose and say,
that he was Recorder, Register, and Clerk of the Orphans,
Court, from Dec. 1st, 1851, to Dec. 1st, 1854, of the Co.
of Bradford, and that as such Clerk, it was his duty, and or Bradord, and that as seen Cherk, it was his duty, he was during the time very generally in attendance the sittings of the Court, an observer of the official of duct of Judge Wilmor; that he has read the foregonal made by ALESH MCKEAN, and does fully con in the general statement of facts therein made.

Swarn March 6th, 1858, before W. H. Decker, J. P. JAMES H. WEBB being duly sworn, doth depose av. that since Dec. 1st. 1854, he has been the Cleri say, that since Dec. 184, it also been as been the Clerk of the Orphans' Court of Bradford County, and generally at-tended to all the duties of said office in Court, being in said Court every term a considerable share of his time, and an observer of the official conduct of Judge WILMOY; that he has read the foregoing affidavits of ALEM Mc-Kean and H. L. Scott, and does fully concur in the state-ment by them made.

Sworn the 16th day of Much, 1858, before W. H. Decker, J. P.

AFFIDAVITS OF SHERIFFS THOMAS, CORDING, AND WOODRUFF.
CRESTER THOMAS, JOHN A. CONDING, and T. M. WOODRUFF being duly sworn, doth depose and say, that they have severally been Sheriff of Bradford County, during some part of the time since Judge WILMOT came on the exhibiting partiality or preference towards any member exhibiting partiality or preference towards any member or members of the Bar, nor towards any party or suitor in Court: and they verify believe that his official conduct is entirely free from reproach, and above suspicion; that they never heard from Judge Wilmor a passionate or unpleasant word to either course between the Bar and the Court appeared of the most pleasant character, and marked by mutual courtesy and respect. Deponents have witnessed occasions when the said ludge have optically and it was asked on grounds of public sired, and it was asked on grounds of public policy. Gentlemen in the Lagrislation I desired that the western county, M'Kean, should be taken off, and attached to either the qualified electors of the respective districts over which they are to Preside or act as Judges."

This was all the change or legislation I desired, and it was asked on grounds of public public sired, and it was asked on grounds of public public properties. The properties of the respective districts over which they are to Preside or act as Judges."

Here the right to elect their Judges is guaranteed the people; and the constituency points. and respect. Deponents have witnessed occasions when the srid Judge has exhibited marked courtesy and even forbearance towards members of the Bar whose names are on the memorial to the Legislature to obliterate this district; that the business of the Court has been disposed of with promptitude, and a large amount of business disposed of at every term, and so far as deponents kno ard, until with a few days past, with satisfaction

to the Bar and the public.

CHESTER THOMAS,
JNO. A. CODDING,
T. M. WOODRUFF.
T. M. WOODRUFF. Sworn and subscribed March 6, 1858, before N. N.

as to the matters about which they testify. know not how this evidence may impress you, but to my mind it appears conclusive and of business and population. overwhelming. It is utterly impossible that note of everything which in the least would of 1850 as the basis, and the Thirteenth is the trict. Judge Woodward's Commission has incorporated into another. Here again a

and interests of their clients compromised, by of taxables made in 1857 as the basis, and the a partial, tyrannical and unjust Judge, without Thirteenth still stands the largest district in Not an outbreak of temper; no hasty or disrespectful word; no lack of courtesy; no vio-lations of order and decorum; and yet during amount of legal business not excelled by ten all this time, the Judge guilty of an insupport- districts in the State, having but one Law able tyranny; a partiality that defeated the Judge. It is larger than the District of Lycograceful to the Judicial character! It is in- by a thousand taxables, than the District of ed, or ever will exist in a free country. No—
this movement for the annihilation of the 13th
Judicial District, has its origin in other causes

Judicial District, has its origin in other causes of these Districts be cutertained for a moand motives, than official misconduct in me .- ment. Personal dislike, long cherished-and unsuccessful rivalship for public honors, lead men at times into the gravest errors, and the most intricts; but will make an exhibit from the redefensible positions.

That some cause other than my official misstill more clear, by the testimony that several to blot out that district, have repeatedly borne witness to my impartiality and lack of interrity as a Judge.

I herewith submit to the Committee the sworn evidence of Bartholomew Laporte, and three other gentlemen, showing the esteem in which Mr. Elwell, Mr. Baird and D'A. Overton but a short time since held my judicial character; and the emphasis with which they repudiated the idea of any partiality or political bias in the discharge of my official duties. I repeat, that the true cause and motives of this movement, are to be found in a personal dislike, having its origin in jealousy and unsuccessful rivalship. The result of the election last fall awakened new hopes in the breasts of those whose hopes had been often disappointed, and who laid upon me the burden of their failures and disappointments. An erroneous impression, I fear, has been

made upon this committee touching the wishes of the bar of the District. The memorial asking that the district be blotted out, parports to be signed by eighteen members of the bar of Bradford county. There reside in the county thirty-six gentlemen who have been admitted to the bar. Of this number there are eight who have given no attention to their pro- to attach to Luzerne the county of Susquehan- ber twenty-six. Will it be said that this is duct, my traducers have resorted to the fession for years; but are engaged in other pursuits, and who are not practicing attorneys of the Court. The names of four gentlemen who are not attorneys are found on the memorial, to wit : David F. Barstow, Wm. Scott, J. B. Reeve and C. L. Ward. This leaves fourteen and to disfranchise the people of another. twelve on the memorial, as the true number of practicing attorneys, out of twenty-eight asking for the measure. On the protest against it are thirteen members of the bar in actual practice. If to this number there be added the names of Mr. Patrick and J. C. Adams, whose letters I placed in the hands of the and hostile to the rights of the people. Committee, it makes the number of protestants fifteen. Of the bar of Susquehanna county seventeen are on a letter earnestly remonstrating against this measure, and I am not aware that any member of the bar of that or puts in jeopardy those rights of the people right of the people to elect their Judges. They man of no responsibility, (France county has signed a memorial in its favor—
that the Constitution intended to secure; and certain I am that not to exceed three or four that such interpretation should be favored, as chance," entirely at the discretion of the Legcould be induced to sign such a memorial .- makes those rights forever certain and abiding. islature. The numbering of the Districts is presumes to charge me with politic Thus the true representation from the bar The enjoyment of immunities and rights, under nothing. They are just as well defined without cause a young man, charged with an of the District, stands twelve for, and thirty- Constitutional guaranties do not and cannot the numbers; yet you blot out districts by and battery, and proved beyond two against the proposed legislation. I lay depend upon Legislative discretion. This before the Committee certificates from the would virtually abrogate all written Constitu-Prothonotaries of Bradford and Susquehanna tions; substituting in their stead the discrethat after the 1st of December next the munication from a man wh

taining the statement here made trict and the latter Judge of the Luzerne, vngham held Court at the home of Judge Jessup, and Judge Jessup at the home of Judge Conyngham. For their mutual accommodation they exchanged those two counties The District remained in this situation, Lution of Judge Conyngham's then commission. about the year 1848 or '49, when Luzerne, tion of judges by the people. with Columbia and Wyoming, was constituted a District. Susquehanna could not at once be restored to her old connection with Jessup did not expire until the constitutional a nendment of 1850 took effect. To make up for the loss of Luzerne, the two small coun-Bradford and Tioga, thus stretching the Disthe western part of the State desired changes Tioga, John W. Guernsey, especially desired that Bradford and Tioga should be separated, and a Bill was passed affecting some six or Here are fourteen witnesses, all of them of Sullivan was taken off to aid in making a new District stands to-day as it has stood for for-They do not speak idly or loosely, in the char- ty years, (save when temporarily severed for acter of partizans and friends, but as witnesses the convenience of two Judges,) except that against encroachment the clear right of the under a new apportionment that a very small was rendered necessary by the great increase own Judge.

But it is not only an old district that it is neither of my Associates, nor the officers of the sist in voting to suit themselves, but it is also reflect upon the conduct of the Judge, and largest Judicial District, save one, of the eight years to run. A year or two before its small fraction of the people are, for a brief that Judge habitually yielding to improper in- twelve Districts lying north of Berks county expiration Bradford is attached to the Tiogal period, placed under a Sheriff and county

The publications complained of, were hastily and inconsiderately written, and we regret anything therein contained reflecting upon the official integrity and conduct of Judge Wilmor."

fluences, and yet for six years no out spoken and east of the Allegheny Mountains. That or 4th District, which elects in the fall of 1861, officers they did not assist to elect. The position one, Northampton and Lehigh, exceeds it and allowed to stand in this latter connection exercised is a vital and essential power, and the rights only about one thousand. Adopting the return until an election has taken place, and a new can be exercised in no western. a word of protest or sign of displeasure ?- the twelve, save three-Northampton and Lehigh, Schuylkill, and Luzerne. It has toends of justice, and a course of conduct dis- ming, Northumberland and Montour-larger, credible! No such state of things ever exist- Dauphin and Lebanon-larger, by a thousand

I have no data for presenting to this Comcords of the business in the 13th. The Nos. on the Appearance Docket of Bradford co., conduct prompts to this movement, is made still more clear, by the testimony that several 1849 or 1857 inclusive, were from 400 to gentlemen whose names are on the memorial 810; and the causes on the trial list at the several terms during the same years, average near one hundred per term. In Susquehanna county the Nos. on the Docket for the four terms of the last year vary from 266 to 467 per term, and the trial list from 67 to 138 per term. The business of the latter county s rapidly increasing. The Lackawanna and Western Railroad passes through the entire county, north and south ; and the N. Y. & E. runs some fifteen miles through the country. This latter Company can only be sued in this State in the counties of Susquehanna and Pike : and this gives rise to very considerable important business of the Courts of Susque-

At the session of 1856 the 26th Judicial District was established. The necessity for hanna have lost the No. 13, and gained that of unmolested. this District arose out of the increasing busi- 26. In counting up the districts there is a blank For myself, I here enter my protest again ness of Luzerne, which had become so large as to make it impossible for Judge Conyngham ford and Susquehanna Counties, but the num- course of this novel and unprecedent District. This was the only public reason assigned for the creation of the 26th District.—

ty-six stands in full vigor; but the Counties proof, "specific charges in writing," again once constituting the 26th Judicial District.—

ty-six stands in full vigor; but the Counties proof, "specific charges in writing," again once constituting the 26th Judicial District. It relieved Judge Conyngham, by taking off from him the two counties of Columbia and Wyoming, in both of which the business is transferred to Bradford and Susquehanna; source. Instead of meeting a legislat na, having at least double the business of both of the counties taken off two years ago.

I submit to the Committee letters from Judge Conyngham and Woodward in opposition to this scheme, to load down one District

practicing attorneys on the memorial. Two of this number, Massrs. Henry C. Baird election, the personal enemies of a man, who it and H. W. Patrick, speak here by their is feared will be a candidate for the suffrages letters against this measure, and in favor of of the people, come to the Legislature and ask my integrity as a Judge. This would leave that the people shall be disfranchised—that they shall not be allowed to exercise those rights common to the whole people, and enjoyed by all the citizens of every other part of the State. This is the measure of wrong and injustice that the Legislature is asked to sanction-a measure insulting to the intelligence,

To my mind it is clear that the proposed It will be admitted as a sound principle, that them; and if the Legislature has the power to however, every length short of fixing a construction should be avoided that impairs | do this, it is idle talk about the constitutional | themselves | legal | accountibility. counties, showing who are members of the bar; tion of the Legislature. The value of a writ- counties of Bradford, Columbia, Wyoming and (Wm. Watkins) but who ingen also letters from the two Bars, fully sus- ten Constitution consists in placing certain Sullivan shall constitute a Judicial District, himself from answering in a court of ining the statement here made.

A labored effort has been made to fix the fundamental rights of the people beyond the arm of the legislative power. The rights of Judge of said District, until the expiration of am I to meet this cowardly welfare impression that the 13th Judicial district was the people are primary and fundamental- the commission he now holds. Is not this le- character? If all other redress is d created expressly for my accommodation and they underlie the whole structure of our politigislating a Judge into a new District! It is I rely with confidence upon the end interest. A more unfounded impression could ical system. Legislative prerogatives and the counties, not the numbers, that mark and cords of the Senate, to shield my renot exist. That Judicial District was estably powers are subordinate, and must yield to the define a District. The Legislature cannot from the slanders to which it has been we lished about the time of my birth, and Bradford vital, and primary rights of the people intended and Susquehanna counties into another and different District, by giving less a Judge holding her commission, w and with Tioga and some counties west con- islative power to arrange Judicial Districts, ex- to it a new number. The counties remain the made the victim of an outrage, such a stituted the District for many years. In 1835 ercised at discretion prior to the adoption of same—the people the same—the District the been forced to endure. Malice and a new Judicial District was -established, Pot- the Amendments of 1850, can no longer ex- same; and the passage of this Bill is only to never hatched a more shameful plot again ter and M'Kean forming a part, thus leaving ercised with the same unrestricted freedom, legislate other Judges into those counties, and the good name and fame of a citizen. Sasquehanna, Bradford and Tioga counties without impairing the rights secured to the thereby deprive the people of the right of elecforming the 13th District. It thus stood un- people by those amendments, then it is clear tion. This is the substance, aim, and only til about the year 1839, when it underwent a that such power must henceforth be exercised effect of the bill under consideration. change to suit the convenience of Judges Con-yngham and Jessup. The former was Judge cure those rights from invasion or danger.—

Neither is it necessary for the preservation of the powers of the Legislature in full vigor, of the Susquehanna, Bradford and Tioga Dis- A right constantly exposed and open to viola- that it should possess the power, at pleasure,

trict two hundred miles east and west along the State line. In 1851 I was at the Capital, and desired that the western county, M'Kean, should be taken off, and attached to either the District west or south of it, both of which over which they are to Preside or act as the contained from the sach of the properties of common Treas, and sach that Legislation can be exercised over this subject; otherwise your break down the constitutional guarantee, and place the right of the people to elect their Judges, entirely at the discretion of the Legislature.

The establishment of new Districts is wholly and forms as soon as said law is passed to the procuring pensions under said that are entitled to them. Revolutions the discretion of the Legislature.

The establishment of new Districts is wholly

sired, and it was asked on grounds of public anteed the people; and the constituency pointpolicy. Gentlemen in the Legislature from ed out that shall vote in the election of certain Judges, to wit: The qualified electors of the in their Judicial Districts. The Senator from State at lage, in the case of a Supreme Judge; and in the case of a President Judge, the qualified electors of the respective or particular District over which he is to preside or eight Districts, in which Bradford was restor- act as Judge. Now can the Legislature, uned to her old connection with Susquehanna, der a claim of power to regulate and arrange and the new county of Sullivan added, mak- Judicial District, subvert this right? or, what ing the Thirteenth District. Two years ago is the same thing, postpone its exercise indefiitely? Clearly not. Any exercise of Legisthe highest credit and repute, and who have District (the 26th) over which Judge Wood- lative power that would directly lead to this the best means of information of all men living, ward presides. Thus the 13th Judicial is beyond question unconstitutional. The power of the Legislature must be exerised under such

Let us see what would become of this right of the people to elect their own Judges, if the my parciality and political bias should have proposed to annihilate, for no reason whatever Legislature can change at pleasure the Judigrown into an iusupportable grievance, and except to disfranchise a people who will per- cial Districts. We will take for the purpose of illustration the measure under considera-Court observed it. Can it be, that in a court one of the largest Districts in the northern and tion. Suppose at this session, Bradford Counwhere one half of the bar are ready to take eastern part of the State Taking the census ty is attached to the Columbia, or 26th Dis- of a county, by which a part of one county is

or 4th District, which elects in the land of 1801, of the land allowed to stand in this latter connection exercised is a vital and essential power, a Judge commissioned for the 26th District, The results are trifling, and from the shi when Bradford is re-annexed. Thus it will be terms of the county officers, works no serior seen that it remains discretionary with the mischief. It does not, as in the Judicial Di Legislature, whether or not the citizens of Bradford County shall ever be permitted to The same could be done with Susquehanna agous, if the Legislature should undertake County, by alternately attaching it to the Lu-obliterate counties, and by changes in zerne, and to the Wayne and Monroe Districts. names, place the officers elected by the It would enable either political party holding of one over the people of another, s the power of the State Government in its an act were passed merging the count hands for three or four successive years, to Lebanon into the county of Danphin, and prevent the election of a Judge obnoxious to the next session of the Legislature, the such party; by legislating into particular line of division was re-established, and er Districts. It may be said that we are not phin was given to the county of Lebanon, and power thus arbitrarily, and for purposes mere- new name of Bourbon. Here the country political. I answer, that the Constitution- cers, elected by the people of the old & d rights of the people, do not depend upon of Dauphin, are transfered bodily into the the presumed forbearance of the Legislature. county of Lebanon, by the power of a ,

tor of the Discrict ever had the opportunity would put our whole republican system to cast a vote for or against such Judge. Sup- jeopardy. pose you carry the Bill under consideration a little further than it proposes to go, and at- legislation is a direct and open attack tach both Bradford and Susquehanna Counthe rights of the people of Bradford and ties to the 26th District, and as a compensa- quehanna counties. It proposes to disfra tion, put back the small County of Wyoming that people for their political opinions on to Luzerne. At the next Session it is design and effect is, to obtrude a Judge found that Judge Woodward's District is too them against their consent, and in flagrant large, and Columbia and Sullivan are attach. lation of their rights. Against this stn ed to the Lycoming District, from which take dous wrong, four thousand of the citize Northumberland and put it on the small Dis- those counties have, within a few weeks and trict of Union and Mifflin. Here the equality ed their protest among the archives of and fair proportions of the Districts are preserv- Senate ; and the voice of their remonstrate ed. and the result is that Bradford and Susque- will not cease, until their rights are secure as -the number thirteen is annihilated-not Brad- the wrong inflicted upon my character. properly to perform the heavy labors of the ber thirteen is blotted out. The number twen- ceeding. I came here to meet and resmall. The Bill under consideration proposes and all this by the magic power of the num- vestigation into facts, touching my office carrying the case too far? that some people and press, to blacken my reputation, at must be left in the District who voted at the udice the public mind, and the legislation election of the Judge ? How many, 1 ask ? against me. They make my reasona If a majority, then Bradford cannot be attach- to be informed of charges against me ed to the 26th District; for it has ten thousand casion to write abusive and insulting more of population than that entire District. putting into my mouth language But I submit that no limitation can be found used, and intended to excite partizan here, against the discretionary power of the against me, which are published in Legislature. We must look for a limitation with other slanders and falsehoods, elsewhere than in the fraction that would re- ear-mark to fix responsibility, and the main in a District, and who might have cannot tell by whom, into the office for voted in the election of the Judge, if we would buting the mails to members of the l preserve to the people the right to elect their ture. Irresponsible men are pushed

Allow me to frame two or three successive | Cases in which there is no semblance Bills, and I will so arrange the Judicial Dis are garbled and accompanied with such tricts of the State, preserving to each reason ments as leave inferences against me. able limits and population, as that not ten no responsibility, venture upon as Judges in the Commonwealth shall preside in charges, while those having respon legislation is in violation of the Constitution. Districts where a vote was cast for or against fully and ingeniously avoid this

tion, is a mockery and no right. To be of to change a Judicial District. There is, I Pike and Wayne District. Thus Judge Con- any worth, the rights of a freeman must be repeat, no vital necessity for such a power .placed beyond the possibility of invasion un- Occasions rarely present where any such change der the forms of law. Keeping in view these is demanded by the public interests. There opinions, and the manner in which primary principles as the safe guards of liber | are but one or two examples of any such change | maintained them, I hold myself response ty and popular rights, and as axioms in the since the electron of the Judiciary in 1851; construction of Constitutional law, I now call and no very strong necessity existed for it in who tries the heart and searches the m zerne, Bradford and Tioga, until the expiration of the Committee to that part of those cases; but they were made for the con- of men. the Constitution which provides for the elec- venience of the Judges, and with the general consent of the people, no question of constitu-"The Judges of the Supreme Court, of the tionality being raised. The Legislature could several Courts of Common Pleas, and such by law provide, that upon the next election to other Courts of Record as are or shall be es- take place in a particular District, the people Bradford, because the commission of Judge tablished by law, shall be elected by the quali- of a county, not then connected with such fied electors of the Commonwealth, in manner District, should take part in the election, and following to wit: The Judges of the Supreme thereupon that said county should be attached Court, by the qualified electors of the Common- to and form a part of such district. I submit ties of Potter and M'Kean were attached to wealth at large; the President Judges of the that it is only under some such limitation as several Courts of Common Pleas, and such this, that Legislation can be exercised over this

a different question. Here the discretion of the Legislature is unlimited. An election must follow the erection of every new District.

It is believed that this is the first time in the history of Penusylvania, that an effort has been made to annihilate a Judicial District.-It worthy of grave consideration, in view of the precedent it establishes, and the consequences, likely to result from a liberal exercise of such a power. There is no analogy whatever, between the

arrangement of Judicial District, and the apportionment of the State for the election of Senators and Representatives. In the Constitution representation is based on taxable inhabitants, and it is enjoined as a positive legislative duty, that a new apportinment shall limitations and restrictions, as shall secure be made every seven years. It may result under the moral sanctions of an oath. I western counties have been taken off; and this people of each and every District to elect their fraction of the people, shall have no Senator on the floor of the Senate for whom they have voted; but this can only be for a brief period and amounts to no grievance. It comes necessarily from carrying out the Constitution. It follows as an inevitable incident upon the exercise of an express power. There is less of

vote for the Judge who presides over them.— the people. The cases would be more and Districts, Judges elected by the people of oth- counties again erected; but the name of Date to presume the Legislature would exercise its that which was before Dauphin supplied with the Again, it would be easy so to arrange the instead of a number. Can a lawyer be for Districts, as that in a majority of them a to defend the constitutionality of such Judge should be presiding where not an elecislation? Such a power in the Legislation

In conclusion, I submit that the propose

to play a part, their backers dare no

If there be before this Committee an

grounded suspicion against my official -if it appears that any man, however failed to have impartial justice meeted him, because of my lack of integrity, the common right of a citizen, a contrial. If there be no such charge or against me, I here protest against a tria leged political offences. For my the people, and to no other tribunal, say

Miscellancone.

OLD SOLDIERS, ATTEND THE subs

now pending before Congress a b officers and soldiers that have be The establishment of new Districts is wholly flatter myself that I am as well prep

MOHAIR BRAIDS and Twists for Sept. 15, 157.

WM. A. ROCKWEI

BOARDING. JOHN KENDALL would

fully inform the public the large and commodions he ed by him, in the lower which has been enlarged paired, he is ready to offer to boards

He would particularly inform Jurys them upon the most reasonable terms.

He solicits a share of public patrona satisfaction will be rendered in every re Towanda, January 20, 1858.

WANTED OATS, Corn, Rye, Wheat, Potatoes, and tity of Rye straw will be taken at the MINES in exchange for COAL.

J. MACFARLA Dec, 8, 1857. Gen. Sup. Rarclay R. R. & LOVER SEED, Spring Wheat

LOVER SEED FOR SALE

LARGE and small CLOVER SE

March 9, 1858.

Overton, Feb. 28, 1858.