

an breatt Inerestore. Blues. Sheue LEMARKS OF MR. SMYSER "In the House of Representatives, on the hith day of March last, on the hill to amand the Constitution by producing for the election of the Judges by the adopting the smeadmeat of the gentleman

Ma Spraken : When this bill was het nnder cousideration, some weske sisce, A had just commenced giving my views to the Mouse when I was cut off by the arrivabol the standing hour of adjournment The low remarks I then made, from the length of time that has since elapsed, have, I doubt not, in a gran degree passed from the recollection of the members. or they have in some measure from my owner-For the sake of persplanity and connect sion, I will briefly recapitulate the substance of what I-then said." Post

When thus interrupted; I was endeavor ing to show that if this proposition to a mend the Constitution, which passed the last Legislature, and is now before us for our action, is smended in the manner proposed by the genileman from Northampton (Mr. Porter,) by stiking out all the ted proposition to elect the judges it such laying action upon it, when there cannot minner as may hereafter be prescribed by be found a sufficient number to take the: law, the effect of such amendment must responsibility of direct and positive oppo-of accessity be to delay final action by the sition. Sir, our action, should we fall invote of the people, until the proposition, to the share set by the oppouents of this is the changed form, shall have received the measure, would be so regarded by the sharetion of the Legislature that shall such people; and they would justly hold us recoed us, instead of being submitted to the sponsible for having intended every conse-people in the course of the coming sum- quence necessarily flowing from our de mer or fall. In support of this view, I re-ferred to the language of the 10th article when his sender of this constitution of realized in the sender of this constitution with the indication the opponents of this amendment of the sender of this constitution may be provision and the indication the opponents of this amendment of the sender o "schtatives, and if the same shall be agreed the truth of this argument, which I took if the question were appmitted to them the by a majority of the members elected occasion on a former opportunity when the each House, such proposed amend this Bill was being considered in the Com-timent or amendments shall be entered on mittee of the whole, briefly to present, "be published; and if in the Legislature tells us that his amendment only lops off sument afterwards chosen, such proposed "amendment or amendments thall be a the gentleman from Huntingdon, who has "greed to by a majority of the mambers that laste for symmetry, proportion and

elected to each House," then the same beauty of which he is himself a living illustration, denounces the proposition in its original form, as "raged and unseemshall be again in like manner published, and submitted to the popular vote at least three months after. Now if the second Legislature changes to reduce it to a state of entire mudity. in any material point the proposition as rather than have it offend his refined and

it passed at first and as it was published. fastidious taste by its tattered and slovenand then at the expiration of three months ly garb. thereafter (having been re-advertised in We have been told by the former of thereafter (having been re-advertised in its changed form) the same is submitted these gentlemen, that the proposition beto the test of the popular vote; it seems to fore us, with his proposed amendment, be perfectly clear, that the meaning and might be likened to a bill in its passage

ation of the 10th article will have been through the Legislature, which may be aviolated ; for the proposition on which the mended at every stage, and still continue people will be required to vote, will not be to be the same bill. But the gentleman for, has told us that it is beat not to be will be, applicaable and hist point estab-rash and hasty ; that it is beiter to be right lished. Besides, the illustration fails in which says "unless, otherwise provided rash and hasty; that it is better to be right lished. Besides, the illustration limits in the for in this Constitution." properition, on examination, seems to to- both houses, may be so altered that the propertion, on examination, deems to re- both houses, may be so altered that he ment shall be adopted by the Legislature, quire amendment, it is not only our right member who originated it would fail to ment shall be adopted by the Legislature, recognize in it any one feature as his but our duty to amend it instead of hurrying it before the people in a defective and offspring. This we see daily exempli-imperfect form. But this is begging the field. Every provision in it may be chanvery question in controversy. I deny that ged. The objects simed at in the bill, it is as defective as the opponents of an e- whether to incorporate a bank, a railroad loctive judiciary have striven to make it out, or canal company, may be attained in a and shall presently examine their object- hundred diverse, modes, just as you may ions to it in detail, and show that they are draw an infinite number of lines, some without good foundation, merely remark- straight, some angular and some curved, ing at present to the friends of the princi- between the same points; are they all aple, that minor and unimport-ast defects, like because they run between the same if there really are any, had better be over points ! No two are co-incident ; and looked, than you the hazard of, perhaps, in- yet the illustration assumes that they are. definite postponement bymeans of a'con-So in regard to this proposition. You definite postponement by means of a con-tinued "set of a contact of a he right to alter, amend, or change it, that would smooth to this in effect, whatever split, and then having "stripped it of its it might be in form: "But, is not the gen-tleman, from Huntington mistaken in this view, the Tha power, the right, the duty flesh set before us the naked, grinning, when the best relation of whet we have a provide the bones of their view is the naked, grinning, of the Liegislature is exercised over the ghastly skeleton of what was once a ma of the properties of their assent it or rejection and bid us admire its proportions, and of it. Without their assent it cannot go gaze upon its beauty-telling us that it is to the people, any more than if there had the same harmonious and beautiful comnever been any action at all by our prede- bination of gross matter with divine intel centors. "The first Legislature suggests an ligence that once excited our wonder and smendment to the Constitution, which has delight. Now, sir, this is what the gentlereceived "its assent. The second takes man from Northampton in effect does .---il apardopts or rejects it. It thus has and I am for taking the proposition as it came at this time. I say, then, that there is but been assailed. I now warn the members exercises full power and plenary control to us from the last Legislature, without one proposition in this amendment.---over it. The proposition is as much de- lopping off a limb or marring its proporpresident upon the action of one as the oth- tions in any wise whatever. He takes it, erts without the concurring action of both denudes it by his proposed amendment, infails, "This Legislature may forbear to eviscorates it, deprives it of its vital blood, alter or amend, other because it lacks the its ligaments and sinews, and then, holdight ander the' Constitution to do so, or, ing, up the naked, unsightly, sepulchral possessing the power, believes it inexpe-skeleton, tells us he has not essentially which it forms a part-to the chain of dents to exercise it. In either case, there changed it. Oh 1 no. He is like the den-which it is one of the links? What is prois the surrender of right or abandonment tist who cut off a man's head to cure him of the tooth-ache! That man's tooth of daty: my position, then, is that if we have the would never ache again, I'll warrant you: power to amend, as proposed by the gen-but some people might think it rather a ligman from Northampton, and should see sharp remedy, The illustration and the argument thus Migazercise it, the consequence must be both failing, we come back to our original does it cover ? It prescribes the length of delay for another year ; for the proposition is changed : in its changed form, it is conclusion, that the effect of adopting the out propsition and not that of the Legisla- amendment of the gentleman fron Northsure of 1840 : it has therefore had the assent, hampton, would be to postpone final action

the two is a comment and had been as were as and I und must receive the sweet, be agreet so by fanstherf befose tie beoph en be at lowed to vote spontite of the town a by Bat, sir, is might go farthers and serro he friends of an elective judicisty, that by from Northampton, they, not only prevant werdan fis important ones ; for the power final action for a year, Int run the risk of eichererists witheus qualification; or it does not exist at all. Now, if we can hier it in avery part, and festure, importantior where potent, trivial or constitution, whether it there months after send it to the people. I apk the geatleman from Huntingdon, who spoke of practically nulifying the tout, art ticle of the Constitution, whether this eiches exists wishout qualification; or it does loosing, the meanue, alogether, If we take up this proposed amenument, to the Constitution, and cut and carve and chip and how it until we get h in its a 'shape' to please-our fincy, what guaranty have we that the next Legislature, to whom to send it, will not be equily fastidious? They may have a dency for amending also, or

they may be as jealous of their privileges as we are of ours, and may, like us, change and modify our work, as we have that of our predecessors, for no, other purpose, than to vindicate their rights and power and dignity; and thus we may have an would not recognize his own offspringinterminable series of dissenting action by until the people who read in the newspasuccessive legislative bodies, and the ques- pers the first amenderent as advertised last summer, would fail to know that they had tion whether the judges shall be 'elected by the people, never rouch and be submit! ever seen or heard of it before, when they ted to them at all. This would be a mode shall see our animendment again in the details; and cutting it down to a more us of indirectly defeating this measure by dee papers, . Why, sir, what is that but to per-

> quence necessarily flowing from our de-liberate action. Delay is such a conseguage means, if it means anything. quence, No man caube blind to it. Can

But, the gentleman from Northampton it will be admitted, sunnot be correct.perfluities-pares away excreacences; and

tained another provision, with which this powers of the Governor :

Northampton tells us, if we were to take

bers of that distinguished body knew that true, many humbugs in this world. Ani-to judge of any one branch, it was neces. mal magnetism and clair voyance are humon the delibershions of that body, probably portant improvements, have been denount to the judges now in office, who will be turned out office most wise and able that ever ced in advance as belonging to the same by virtue of its provisions, and who abandoned luassembled in this or any other Common- Interesting class. Robert Fulton was prowealthi second & ameridatesh in same ter subur - So intregard to the dabatitute now be fore us, in the form of an amendment to the

Constitution. Although basing many members, they are, all parts, of the same ted by the spotte of Democracy in the body, and each one, is pacesary, to, the Declaration of Independences: that "all connected and proper school of the whole, The gentleman from Huningdon (Mr. Cornyn) takes up this proposition, and dissects it. He tells us that it embraces the menars crasted free and equal-, that they are and aved by their Crastor with certain inalignable rights that smongat these are dissects it. mit this Legislature, to diaregard wholly dissects it. He tells us that it embraces life, *Horrty* and the pursuit of happiness," and set aside what the last Legislature has solid eight or ten distinct amendments; is regarded as a most magnificant humbug, done, and originate a new amendment on that the provision to elect the judges in- But sir, I beg leave, to observe that to deand set aside what the last Legislature has done, and originate a new amendment on the same subject and send it to the people f stead of appointing them, is 'one', that is general as a most magnificant humbug. the same subject and send it to the people f stead of appointing them, is 'one', that is 'one', that is 'nounce as a humbug, a measure which which directs how forg the several judges 'in-ounce as a humbug, a measure which which directs how forg the several judges in our as a humbur, a measure which is the originate and it to the people f shall hold their despective offices; another; by the 'Constitution'. More is required as I have been laboring to show. I dentify in the proposition' is what the framers' of the constitution is what the framers' of the same the Chief Instice' a smorth : the time Ochetitution intended and white its land sing the Chief Justice, a fourth ; the time equal unanimity here, is to say the best of onsutation intended and what its fail of their election, a fifth ; the requirement it in very questionable tasses to be in mind that they should be ide their districts, a star Speaker. I did not understand ex-

that there are members on this floor, who, if the question were arbitited to them now for the first time, would have preferred it in the naked form proposed by the gentle-man from Northempton. But, it is not now man from Northempton. But, it is not now man from Northempton bave it in that form. It has been originated in the other

"taken thereon, and the Secretary of the "Commonwealth shall cause the summer to broak or evalue its force, by main-"be published: and if is the least on more than the secretary of the secretary of the secretary of the "man of the secretary of the "taken there months before the original amendment proposed by "to change the original amendment proposed by "to the secretary of the secretary of the secretary of the "to change the original amendment proposed by "the secretary of the the secretary of the the secretary of the the secretary of the secretary of the secretary of the secretary of the the secretary of the secretary of the secretary of the the secretary of the secretary of the secretary of the the secretary of the secretary of the secretary of the the secretary of the secretary of the secretary of the the secretary of the secretary of the secretary of the the secretary of the secretary of the secretary of the the secretary of the secretary of the secretary of the secretary of the the secretary of the secretary of the secretary of the secretary of the the secretary of the the secretary of the the secretary of the secretary reafonable to suppose were contemple, ing unfriendly surmises and finding of int to so out I and if they choose to take the clances ted by the frames of the Constitution, the agenthy substant motives for men's actions, of the power, the reserved right, not being claim-construction that leads to them I suppose, can always discover of invent motives and ed discribed, shall they not abide the result, if

incentives congenial to its own pervetes says the framer of the amendment had not. Now the tenth article already referred to, and uncharitable nature, For instance, a says the framer of the amendment had not Now the tenth article already referred to, and uncharitable hatures.» For instance, a Lwas supprised, or rather I would have been, carefully read the Constitution, and that no amendment of amendment of amendment of amendment of any bing in this world could any longer sur-refully read the Constitution, and that is shall be submitted to the people oft- some of the opponents of an elective judi-if he had, he would have discovered that if he had, he would have discovered that ments shall be submitted to the people oft-the eighth section of the second article con-ener than once in five years. Ten times ciary, not in but out of this House, are five is fifty ; so that, according to this doc- stimulated by the fear, that their chance its original form, as "raged and unseem-ly," and seems to think it would be better amendment, if adopted, came in conflict. to reduce it to a state of entire mulity. Now I will turn to the section and see to have the Constitution amended in the as good before the people, as at the banda to reduce it to a state of entire mulity. Now I will turn to the section and see manner proposed, and desired by a major- of the Executive—especially if the former ity of the people and their representatives. should happen to be of contrary politics Does any sane man believe the framers of and the latter chance to be their personal

"He shall appoint a Secretary of the Com-monwealth during pleasure, and he shall the Constitution ever contemplated sich a friend. But, sir, all such imputations on oithe citizen. It was looked to as a protection nominate, and by and with the advice and thing ? Did my friend from Northampton, intended it for satisfy the gentleman may have intended it for satisfy. That he was natis earnest, is evident for satisfy. That he was natis earnest, is evident for satisfy. That he was natis earnest, is evident for satisfy. That he was natisfy are and intended it for satisfy. That he was natisfy are and is a satisfy and the subject, it can be improperly ving a week or unjust judge, by the ordinary process afailed six or impeatement, as an argument in fa-ver of short terms, when he himself had just be-sponsible to the people themselves, is not consent of the Senate, appoint all judicial in subscribing his name to the Constitution side, are ill-tlined and improper. " Unkind officers of the courts of record, unless other of 1838, dream of such construction for it inuendoes befit neither the dignity of this erwise provided for in this 'Constitution." would, I am aware, suit his present wishes House nor of the occusion. The question Now, Mr. Speaker, the gentleman from and feetings, and those of the gentleman we are cousidering is a grave and memory from Huntingdon exceedingly well ; for tuous one, deeply involving, the welfare sponsible to the people themselves, is not fore sought to increase that difficulty by remiring one that has been agreed to by two suc- forgot that in the illustration put, the bill away from the Governor the appointing if they cannot defeat this amendment, the and interests of our beloved Commonreadily perceived. cessive Legislatures, nor will it have been in its final form, is the transcript of the power, by and with the consent of the Sen- next best thing would be to keep it off for wealth ; and every true son of Pennsyl the sment of the Executive before such removal by address could be effected. The re-ofigibility of the judges has also been ob-by an independent judicary ? Do we jocked to: New, sir, Phave ship to blest that mean utter irresponsibility any where ?-What, in this country, then do we mean, one that has been to the mean end of the object of the provision of the result of the judgenent of the judge atures, nor will it have been in its final form, is the transcript of the power, by and with the consent of the sent-ring two periods of three mind and the result of the judgment of ate, as now provided, and give the election half a contury, and then neither of the gent- vania will approach it with corresponding. ne onered his amendment, by a disinct a-vowal of their intention to vote against the bill, whether amended or not..... an alarming infringement upon executive "Faithful are the wounds of a friend, but prerogative, and a very dangerous consol-the kiss of an enemy is dessiful." We idation of power in the hands of the Le-have been, some of us at least, in the habit gislature. Assuming an analogy that does the humble and the non-the kiss of an enemy is dessiful." But gislature. Assuming an analogy that does the humble and the powerful to the oppression thing to hope. But we are told that if the judges are eected by the people, they will in turn pana and ratined by the voie of the provide of the provide states of particular states of the providence in the particular states of particular states of the providence in the particular states of particular states of the pa this amendment offered by my friend from sion and re-conocil the popp tion," and there is no conflict or inconsis. Northampton, and I would be careful how have the one man power literpose the tenty. That is all twould say in reply to I admitted it within the walls, of our cits, shield of an Executive vote, to retain and Mr. Speakers I have longotten nearly in the station he disgraces in spite of the would have them, rotate or illucate, so as not to meet out their welcome. It seems to me that this objection goes on the assumption that every they of his station; for if the judge is honest and by of his station; for if the judge is honest and the goes to be the set of the second to be the set of the station is not to be the second to be the second to the second to be the seco del But, six we have been told that this as all the classic lose I ever passessed, but I voice of the people, and the demands of judge does in more that in the days of the old my, their representatives? I is this right? Is the of his requirement of the Constitution. We have the right is also, amend, or change it, that the solution is also, amend, or change it, that the solution is also, amend, or change it, that the solution is also, amend, or change it, that the solution is also, a manner as a solution is also, a manner as a solution is also if individual provision requiring the if individual provision requiring the if is also is also, and which provides that is par-amendament is not in conformity with the individual provision requiring the if is also is also is also if is also is also if is also is also if is a six or eight distinct propositions, and mere- and invigorated by his momentary contact associates, except in a few districts, are not, nor reassocrates, except in a tew districts are not, nor ro-quired to be, learned in the law. How inconven-tont then to have to send all the way to Allegheny but there is no leaven of corruption suffiwhen urging this argument, forgot the pre fore is in conflict with the provisions of the with his mother's besoms , and was only ceding part of his speech, in which he pro finally overcome, by the bero lifting him county, for instance, for a judge to hear a case fai-ling within his summary jurisdiction, in Adams plo : and my word for it, should either the fessed his confidence in and love for the When the bill was first under considera- up into the air and strangling him in that people, and his devotion to the principles county. The time for holding the election for the judges has also been excepted to, because, it is said, the leman from Huntingdon, at any time here-for he is candidate before the picone for free and constitutional government.-Sir, the gentleman from Northampton Sir, the very course advocated by the gen subject, but I may be pardoned, as so much has seen this principle of an Elective Junas also been excepted to, because, it is said, the question will mixed up with all the bitterness and strife and interests and feelings of party warfare. judicial station, (and I hope they may, tleman would lead to the result he so much time has elapsed; if I reiterate some of them diciary acquire strength the more it has deprecates. It would be consolidation and be elected too) and should they try the experiment of wheedling the rich, courswith a vengeance, if the Executive could be Now. I would rather expect that it would excerof this House, not to suffer its avowed en allowed, nay invited, to retain an unwor-thy favorite in a judicial station to the end violence and assuage the flow of party feelings by There are some half dozen various mem- emy to take it in his arms, and strangle it ing the powerful, and slighting the humin his embrace ! Such a spectacle would the intermixture of higher interests and lofter feelings. It would be like pouring oil on troubled ble and the lowly, they will be convinced of his constitutional term, to the annoyamendment, and point out one single be as edifying as instructive ; better suitbefore they are through the canvage that ance of the pepole and to the great injury waters : it would be like a voice rising above the member of it that can stand alone by it- ed, it is true, to the age of the fabulous they have underrated the intelligence, die howling tempest and saying to the surging waves. "Pence 1 Be still." By holding the election on of the law, in the face of such a state of self, or that does not relate to and proper- mythology than to this age of intelligence crimination and virtue of the people. facts as I have supposed. I say, sir, that the way for a man to reand reason. The gentlemen from Huntingdon, in the course of his able and eloquent speech in commend himself to poplar favor, in to putsue a manly, consistent, straight-forward course, respecting himself whilst paying opposition to an elective judiciary, saw Justice of the State shall be selected by lot from desirable in a matter in which all are concerned. Mr. Speaker, in the course of this discussion prosition to an elective judiciary, saw among the judges first elected to the supreme Mr. Speaker, in the course of this discussion, roper to characterize it as a humbug; and theat. "Good Heavans !" he exclaims, "has it think he used the expression three times come to this?" The gentleman seemed to think ment, engrated on the constitution, would be fadue respect to others, Any other course will fail as signally as it deserves to fail. think he used the expression three times I think he used the expression three times in half as many minutes. He told us he had too much confidence in the people, in their intelligence and integrity, to believe that they could be led away by a popular humbug like this. I would be glazve res-pectfully to suggest to that gentleman that pectfully to suggest to that gentleman that at the constitution, shall be di-that they could be here away by a popular humbug like this. I would be glazve res-pectfully to suggest to that gentleman that at the constitution, shall be di-that they could be here away by a popular humbug like this. I would be glazve res-pectfully to suggest to that gentleman that at the constitution, shall be di-that they could be here away by a popular humbug like this. I would be glazve res-pectfully to suggest to that gentleman that at the corports of the streets, at here there classes! And yet I be-that the personal rights of the subject are the personal rights of the subject are the personal lights of the subject are the personal lights of the subject are the personal lights of the subject are the personal rights of the subject are the personal rights of the subject are the personal lights of the subject are the personal light of the personal lights of the subject are the personal lights of the subject are the personal light of the personal lights of the subject are the personal light of the personal lights of the subject are the personal light of at the corners of the streets, as their bornes, wherever you, find any portion of the people assumbled, you will find them can tenure, the mode of appointment, and the "thand names break no bones," and that a live it is not recorded that the gentleman from executive tyranny and legislative encreachment. busive opithets are the worst kind of logic. (Northampton, who is probably not of quite so see. It should be kept separate from and independent

But, siz, passing from this post of the proposition and no more. That it There is no er an old fish-wife who could sitive an organization as my friend from Hunting-But, siz, passing from this handle, of the base with the more than the first of the proposition of the proposition and part with the more than the first of a disguised dependence is as dangerous as an efficient with the more than the first of a disguised dependence is as dangerous as an efficient with the more than the first of a disguised dependence is as dangerous as an efficient the more than the first of a disguised dependence is as dangerous as an efficient with the subscribed his name to this upprocedented, this outrageous pro-of a disguised dependence is as dangerous as an efficient with the subscribed his name to the subscribed his outrageous pro-of a disguised dependence is as dangerous as an efficient victory is ignominy and defeat no disgrace. Sir, it is easy to be the subscribe the are from the subscribed his name to this tout to the subscribed his name to the subscribed his name to but shall still it in one particular, we are now taught of the state o stitution, the handy work of my friend from North-ampton, and which we are now taught to believe came from the hands of its framers so perfect that it is profantion to touch it with a view to amend-it is profantion to touch it with a view to amend-ment 'Strange that the good people of this Com-monwealth, who have been living for twelve long

crative practices at the bar to go on the bench on claimed as one, when he first spoke of propelling vessels by steam ; and in our own day, there are many sections of this Union in which the grant truth enunciafilling his part of the contract. Now, sir, every lawyer knows that this would be a wrong, and a wrong for which the party would find ample redress in any court of justice, by recovering his wiges for the whole period, on the ground of entirety of contract and no breach on his part. But suppose that by the terms of the original contract the employer expressly reserved the right to dis-charge him whenever he saw proper, and he chooses to exercise that right. What then hechooses to exercise that right. What then be-comes of the plaintiff's case 1 Why, all he then has a right to decourd is his wages up to the date of his discharge. Now, I say the Commonwealth, which stands in the relation of a contracting par-union was added the legislative power al-

> the implication the other way 1 Nay, is there inot an express, slipplation against it 1 I ask whether every judge commissioned by the Gov-erner by and with the advice and consent of the 10th article ! Did they not know what was in the Constitution 1 And if they did, did they not know that if two successive Legislatures and a majority of the people saw fit to change the tenure and make the judicial office elective, they would have

the blines thrns against them ! Let us, then, hear an more about violation of contract. who is so little conservative in his notions, find fault with this amondment, on the ground that the judgial, terms the abridged, ever too long.... Let the term be abridged, eave the gentleman to live or three years, and then the people can bring their servants to a short and speedy account... The gontleman's idea, if he was in earnest, seems to have been that short settlements made long friends. I incline to think, however, that there was nothing stall in the bat an awkward attempt

of both. Liberty has every thing to fear from the union of the judiciary with either : and the effect of a disguised dependence is as dangerous as an ostensible union. Montesquies, in his "Opini of Laws," asys "There is no true liberty if the judi-ciary power be not separated from the legislative and executive powers." The same view with be found reiterated in the Federalist, that text book of the descine descination in the frequencies in the interyears under this deep and damning digratec, should never have discovered it until awakened to a sense of their condition by the warning voice of the gen-tleman from Huntingdon. turns in Enginne, and up to the revolution of a bill, the judiciary was thus dependent on the **English** thority. The king, by the fiction of the **English** law, was the fountain of justice, and was supposed to be present in person in all the courts of the kingdom. The judges held their office by his sofe appointment, and the tenure by which they held it was thereast in the substant of the soft it was "durante bene placito." The conservas that with a vile and solfish subservas The consequence the faith, it is alleged, of an implied contract was that with a vile and selfish subserviewer, that they should hold their office for the full con-stitutional term. Their case has been compared to that of a man bining himself to another for an entire term, and being suddenly discharged with-out cause in the middle of it whilst faithfully ful-ibility bla contract. New this carried that the people seemed to have forgotten that the judiciary was intended as a barrier between the that the people seemed to have forgotten that the judiciary was intended as a harrier between the rights of the subject and the royal preregative-The names of Scroggs and Jeffreys are, to the read-ers of English history, familiar synonimes for the prostitution of judicial station to the basest pur poses of tyranny. Sir Etheard Coke did not deein t beneath him to pander to royal usurpation ; and Bacon, that bright luminary of law and seisace, dimmed his lustre by accepting the office of Chap-

cellor on a pledge to do whatever the king might require at his hands. There is a dark period in English anunion was added the legislative power alwhich allows in the relation of a constructing par-right, by the provision contained in the 10th ar-tight, by the provision contained in the 10th ar-tight, of, the Constitution, in relation to amend, ments. The judges, whon they accepted, knew of this provision, and took their commissions sub-ject to the chance of the State availing itself of have all the force of law.

With the advance of knowledge of the true principles of civil liberty, the absurdity and evils of such a state of things became appparent: and a great improvement was made, after the revolution of Benate, did not stake their office subject to this 1688 by changing judical tenures and making them hold quam diu se bene gesserint; but it was not until the reign of George III. that the duration of their commissions under this tenure, was extended beyond the demise of the Crown.

Now, sir, it is no wonder that out of such a state of things, should grow an earnest and jealous desire for an independent

judiciary. There being in the State, a power antagonistic to the rights of the people, ever seeking to encroach upon the latter, and draw to itself and absorb all the powers of the Constitution, men's eyes were turned to the judiciary for protection and safety. The primary idea of an independent judiciary, it is evident from this historical summary, was a judiciary so organized as to restrain the encroachments of the crown and protect the rights of the

originally inserted, then so far as the ap-pointment of the judges is concerned, it is otherwise provided for in this Constitution," and there is no conflict or inconsisthis objection of the gentleman from North-

ampton: due beneverate est a ser poise de tet Constitution. a Labor of

tion in Committee of the whole, I took oc- position. casion to express briefly my views on the bers of it. But will gentlemen take up this ly belong to the general proposition of and reason. posed to be amended ? The second sec-

tion of the fifth article of the Constitution. What part of that section ? The whole of it. It is proposed to strike it out and substitute in lieu of it, another, covering the entire ground it occupies. What ground

process of removal. This proposed amendinent covers no more. "been agreed to" by but one Legislature, for at least a year and perhaps indefinitely. The section proposed to be stricken out