

## Judge J. S. Black's Letter to the Temperance State Committee.

The President of the "Prohibition State Convention."

Sir.—It appears that the friends of a prohibitory law, who met here some months ago, appointed a committee to interrogate the several candidates and lay their report before the body over which you preside. The Chairman of that committee has addressed me, inquiring whether I believe that a law prohibiting the manufacture and sale of intoxicating drinks, except for certain specified purposes, is constitutional.

I suppose I cannot mistake the meaning of this interrogatory. It is, of course, not prompted by motives of mere curiosity. My private sentiments are not worth to you the trouble of ascertaining them. But you deserve to be informed how far my judicial decisions may be counted on, as favorable to your views of the subject. If I reply to the affirmative, you will regard it as a promise to be with you when the question comes before me, and if I break the promise after being elected by your voice, I will be justly exposed to the charge of obtaining the office by means of false pretenses. It may be the other way, you will know how to disarm an avowed opponent of the power which he might use to your disadvantage. These I think are the only reasons that could induce you to question me on such a subject.

I know the value of your vote. If I do not underrate the power you will probably exert in the next election. And even if I were not a candidate at all, I would feel a natural anxiety to win your respect and escape your curse, for no man is better assured than I am, that some of the best hearts and soundest heads in the country are engaged in the present movement for a prohibitory law. Nevertheless, I cannot answer your question consistently with my sense of propriety; and I am not without hope, that my reasons for declining will be entirely satisfactory.

When you speak of a law to prohibit the manufacture and sale of liquors, I take it for granted you do not mean so useless a thing as a mere naked prohibition, without affixing a penalty, or providing the means for its execution. The law passed in Maine is the model on which the other States have generally framed theirs. I believe the one proposed at the last session of our Legislature was almost a literal copy of the Maine law. Its constitutionality did not seem to be doubted by any one of its numerous and able advocates. But it was violently opposed, on constitutional grounds by others, who are as intelligent and conscientious men as any I know in the Commonwealth. In some of the States, the power to pass it was not challenged. In New York, on the other hand, the Governor declared it to be wholly inconsistent with the principles of a free government, and that he would not sign it. Such also was the unanimous opinion of the Supreme Judicial Court of Massachusetts, and the highest tribunal in Michigan, composed of eight judges, trials at once in most equally divided. I can probably think it quite clear. But you must not forget that there are others who think it equally clear against you. It is at least doubtful enough to have provoked conflicts, divisions among statesmen, judges and lawyers, as well as among the masses of the people. It is, moreover, a question of great magnitude. Everything is important which touches the Constitution. A judge never acts only in his capacity as such; he deals with the great charter by which a free State holds its liberties, and if any part of the Constitution is more sacred than another, it is that which marks the boundaries between legislative authority and the reserved rights of people. Besides, the law on which you ask my opinion, is one which will directly affect the character, morale, property, and business of the whole population of the Commonwealth.

Here, then, is a much detailed and vexed question of constitutional law—important in every aspect—which must come before the Supreme Court for final adjudication, and I can addidate for a seat in that court, am asked to determine it in advance, without notice to the parties interested; without hearing the arguments on either side; without even seeing the law, without having any one of the materials in which a judgment ought to be made up. It would do this thing, I would render myself entirely unworthy of your confidence.

If the precedent set by you were submitted to, and generally followed, it is easy to see, that many disastrous evils would result in the State, by that example. The success of all political parties may depend sometimes on judicial decisions. Religious sects, corporations, and other large bodies of men are often suitors in court—interested individuals also stand on the same platform. Shall candidates for judicial offices commit themselves to all these? In fact, where shall the stopping place be found after the custom is once begun, or the right to interrogate them acknowledged? The election of every Judge would depend on the accordance of his answer with the wishes of the most numerous and powerful classes. Courts would cease to be "palaces where justice is judiciously administered," and generally followed, it is easy to see, that many disastrous evils would result in the State, by that example. The success of all political parties may depend sometimes on judicial decisions. Religious sects, corporations, and other large bodies of men are often suitors in court—interested individuals also stand on the same platform. Shall candidates for judicial offices commit themselves to all these? In fact, where shall the stopping place be found after the custom is once begun, or the right to interrogate them acknowledged? The election of every Judge would depend on the accordance of his answer with the wishes of the most numerous and powerful classes. Courts would cease to be "palaces where justice is judiciously administered," and become a mere ministerial organ for securing the foregone decrees of convention and other public assemblies. What then, would be the weak and unpopular for whose protection the law was made?

When the constitution was amended, so as to give the election of judges to the people, it was feared by many that candidates would soil their integrity for votes, and correlate one portion of the people by promises inconsistent with the just rights of others. I am glad to say that the leader of your committee was the first demander made upon me for a pledge of any kind—the first question that was ever asked concerning any matter, which I might be called on to decide—Up to this time when I received that letter no member of either convention by which I was nominated, nor any private citizen of my own political party, or any other, ever hinted a desire to bind me by a promise in advance of his vote. I feel warranted in saying that this is the exclusive of all my brethren; and I do not doubt that the candidate who opposed us, including the honorable and talented gentleman who is my present competitor, has been treated with equal fairness.

I acknowledge the obligation of a candidate for political or representative office to make his opinions known. But in the duty of a judge to keep himself uncommitted until he can all that can be said on both sides. I will promise nothing at present, except to decide it honestly and according to my best judgement, when it arises. If I should be elected, I will take a solemn affirmation (equivalent to the oath of Pennsylvania) to that effect. This vow I mean to keep; and that I may keep it the better I will make no other, which can by any possibility interfere with it.

It has struck me as possible that the committee misunderstood its instructions when the candidates for judge were addressed. If such instructions were given, it was probably done without thinking how improper it would be for us to reply in the manner expected. At all events, I have faith enough in this republican system of ours to believe, that no State Convention ever did, or ever will assemble, in which a majority of members can be found, who will deliberately insist upon their right to demand pledge of judicial candidates on questions of law. I am, with great respect, yours, &c. J. S. BLACK

ANOTHER REVEREND SUICIDE.—Messrs. Oliver D. Stone, of Monroe County, and Charles Winters, of Luzerne county, offer a reward of \$100 for the apprehension of a certain Isaac Brown, who, on the night of the 5th November, 1863, absconded from St. John's, in company with a girl about seventeen years old, with whom he is supposed to be cohabitating. The said Brown is thirty-three years old, about 5 feet 10 inches in height, light complexioned, has sandy hair and is cross-eyed, eyes light blue, for nearly resided in Broome County, N. Y. He is school teacher, professes to be a Baptist, and occasionally turns preacher. The young girl whom he enticed away is about 5 feet one in height, rather slender, with dark hair and gray eyes, and has an impediment in her speech. The haughty Mr. Brown left a wife and two children in Stroudsburg.—*Reading Gazette.*

## SPRING STYLES FOR 1864.

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