

counsel for Queen Caroline. He has been succeeded on the bench by Sir Robert Joseph Phillimore, the Queen's Advocate, who has been replaced by Dr. Travers Twiss, Q.C. The *Law Times*, commending the last appointment, says: "Nothing can more preserve the tone and dignity of the profession, than the invariable recognition of the highest claims in the dispensation of its honors and emoluments."

CORRUPTION OF THE BENCH IN THE UNITED STATES.

The following letter, which appeared in the *Times* of August 24, from its New York Correspondent, shows how rapidly the Bench of the neighboring Republic is becoming demoralized by the influences to which it is subjected.

NEW YORK, Aug. 2.

The effect of electing Judges by universal suffrage, and appointing them for short periods, has long been dreaded by that large but powerless class of Americans which desires to place some limit upon the sway of an ever-encroaching democracy. The Bench and the Bar have alike been degraded, and the courts are always full of scandals. Men are placed on the Bench not for any ability they have displayed, still less on account of their legal attainments, but simply as a reward for party services, and because they set their sails dexterously to the breath of popular opinion. In New York the system may be seen in its fullest development; all vicious systems possible under the American form of government flourish there in unrivalled completeness; but in every State where the Judges are elected by the people, incapacity and corruption are the prevailing characteristics of the Judiciary. The founders of the Constitution never looked forward to such an ascendancy of the will of the majority as we now witness, but they had their doubts, and they wisely placed the Judges of the Supreme Court, and of such inferior courts as Congress might establish, above the reach of popular caprice. Their idea was, as one of them expressed it in the *Federalist*, that the Courts of Justice should be considered "as the bulwarks of a limited Constitution against

legislative encroachment." Madison himself was opposed to electing Judges by a popular vote. The commentators are unanimous in commending their opinions, and in deploring the tendency of recent times to throw the three Departments of the Government entirely into the hands of the people. Mr. Justice Story says,—

"Does it not follow that, to enable the Judiciary to fulfil its functions, it is indispensable that the Judges should not hold their offices at the mere pleasure of those whose acts they are to check, and, if need be, to declare void? Can it be supposed for a moment that men holding their offices for the short period of two, or four, or even six years, will be generally found firm enough to resist the will of those who appoint them, and may remove them?"

I feel that I ought to apologize for quoting the words of these exploded authorities; but there was a time when their interpretation of the Constitution was respected, and their writings still have an interest as historic relics.

It must be a melancholy sort of satisfaction to the Constitutional party to know that all the evils predicted as certain to result from a course which enabled the changing majority of the hour to gain possession of absolute power are now actually experienced. In one State they make themselves felt in one way, in another State by a different way; but the people have them all before them in various shapes. If an example is wanted of the disastrous consequences of electing Judges by universal suffrage we have only to refer to New York. There not only the Judges, but all the officers concerned in the Judiciary, are chosen by popular election. An American publication of well-known character, the *North American Review*, has given an account in its last number of the working of this system. The statement comes with authority; it enters into minute particulars; and it has not been questioned nor denied by any of the persons implicated in its charges. A month has elapsed since it first appeared, and I have watched carefully for some contradiction or disproof. Nothing of the kind has been offered. Nay, the people seem even to be indifferent to the existence of so huge a scandal, and, with