

THE U. S. JUDICIARY.

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This judiciary, therefore, on which we have relied, is not, in its best state, beyond danger. It is capable of great misuse, even under the cloak of subordination and submission to principle. Honestly and conscientiously administered, it is conservative in its influence, an asylum for the oppressed citizen, a refuge to which the injured and alarmed may fly with confidence. It may be laughed at for its old-fashioned adherence to the books, for its ties to feudal absurdities, for its weakness for precedents, for its want of a progressive and venturous spirit; but it has the confidence of every citizen. Angry passions submit to its judgments, and fear and despair never enter within its doors. In all the jangling and discord of weak and ill-contrived machinery of government, this is the balance-wheel which adjusts and harmonizes what, but for it, would be wholly unmanageable.

Put this power into unprincipled hands, and what shall we have? The balance-wheel will become a contrivance for accelerating the ruin of the system. At first under a cloak of submission to legal theory, then without any cloak at all, private revenge, personal outrage, corrupt contrivances, will have full sway. The bench will be the tool of a party; but even this, bad as it can be, will not be the worst. Party ties are strong, but the lure of gain is stronger. To the unprincipled politician no sympathy or affinity avails against the hunger for corrupt acquisition. Those who fight and wrangle at the polls with a fierceness which seems as if it never could admit of reconciliation, are natural conspirators to cheat and defraud. Legislative rings are most formidable when they are combinations of both parties. The unscrupulous judge will become the bully of dangerous organizations, the tool in power, ever ready and reckless with process to suit the emergency. The warrant and attachment will become as formidable to our liberties as they could be in the hands of the veriest tyrant; and property and morality will have to fly, or come in with violence, and right the state by revolution.

Though, while one state has been follow-

ing another in making the judiciary elective, the change has been the cause of a most serious anxiety to impartial and reflective minds; though it is a system necessarily fraught with danger, and sooner or later the results just pictured must, perhaps, happen, it is a very interesting subject for reflection by what causes these results have been so fortunately postponed. Certain it is that the downward tendency of this department has by no means kept pace with that of the others. While legislatures have become, as a rule, corrupt, the bench has been measurably decent and respectable. The stream of justice has run with comparative purity. Reports of new cases may, perhaps, not be of such ripe authority as those of the old; political questions may have disturbed judicial harmony; patronage may have demoralized official tone and influence, and what the English attorneys style "hugging the judges" may not have been sufficiently discouraged; nepotism may have passed the limits of good taste and judgment; prejudices, tempers, weaknesses, or eccentricities may have been permitted to appear so decidedly that the lawyer has been tempted to adroitness in picking his judge for his case; but in the main we have been fortunate. The evils of the elective system have certainly never yet equalled our fears.

What are the causes of this peculiar safety of the judiciary? Does the elevation of the lawyer to this high and prominent position lift him above human infirmities and temptations? Does he acquire a nature different from that which he had in the busy walks of his profession? Certainly not. He has, perhaps, obtained the place by that personal exertion which is now the rule with all candidates for office. He may have had his gloves off, and his feet in the mire, and been down with the lowest of the low, where election frauds are plotted, and the roughs are hired to carry them through. He is affected by all the afterbirths of such work. He feels the bondage of a debt to the vile, and dreads the worse than curses which reward the ungrateful politician. He knows the power of the dangerous classes who come before him,—the fierceness of their unscrupulous antagonism,—how long their vengeance waits,—how every session of his