

Mr. President, if in any thing I have said, there may be supposed by any, to have been a zeal in any degree arising from my personal connection with the office in question, I beg to assure gentlemen, that such a suspicion does great injustice to my position. I have served in a high judicial station, for more than seventeen years, with what success or usefulness, I am the last of all, who are acquainted with my history, to pronounce. This I can say—it has been my purpose and desire to discharge the important trust confided to me, with fidelity and impartially, and to the best of my poor abilities. I am willing to abide the verdict of those, who shall come after me, for the correctness of my judicial life. For the honor altogether unmerited, and the flattering confidence of my friends and the community, evinced by placing me in this and other elevated public stations, I owe a lasting debt of gratitude; a debt I can never repay. I have always been, and ever shall be, ready and willing to acknowledge it. But, as to a mere matter of pecuniary concern—so far as the account of *debtor and creditor* is involved—I deny that any balance is justly chargeable against me. I have returned to the State, in labor and service, such as I had contracted to render; the best I have been able to render; the full value of every dollar I received I have passed annually most of my days, in tedious, laborious devotion to my duties; and for a long succession of nights, have kept my head from my pillow, at unsasonable hours, in severe mental effort, to enable me to do more usefully and faithfully my whole duty. A kind Providence has possessed me with a competency to afford all the comforts of life which my habits require; and with a better spirit than that which regards great wealth, as the end and object of human desire, or the source of human happiness. The office is one of extreme labor and extreme responsibility. I have arrived at a period of life when there is but one consideration to commend it to my acceptance. I have, from early life, been an active, working man. Of all things, I dread a life of indolence. I have seen, on more occasions than one, the disastrous effect of a sudden withdrawal from active labor, by men in advanced life, to enjoy, as they had hoped, a quiet old age. I have seen it produce discomfort, impotency, disease, and premature death. To those around me, yet in younger life, and with less experience, I venture a word of advice—*Never* cease to exert the faculties of mind or body which Providence has given you, until the decree of that same Providence shall deprive you of these faculties. They are talents given to us, to be usefully and actively employed; and, if buried, will rust and decay. But to a man able and willing to be employed, there are always avenues open; and there is nothing so attractive, in a seat on your Supreme Court bench, either as it is now organized, or will be, under any of the various provisions before us, as to make it the particular object of ambition.

So far as concerns my associates, with whom I have acted so harmoniously, possessing as they do, (I have no doubt,) and justly possessing, the

confidence and respect of the community; and to whose elevated intelligence, purity, and devoted application, I can bear that testimony which would be endorsed by all who have had the opportunity to appreciate their character—I have only to say, that whatever may be their feelings or their wishes—and I do not profess to be informed—they are considerations not to be thought of, in a matter of such vast magnitude as this. In providing for the interests of a whole community, for all time, it is of comparatively small moment to estimate the effect to be produced upon the convenience of half a dozen individuals, or thrice that number. With regard to mere party considerations, I am urging a course which, of necessity for the present, and for a long, long time, must prevent the elevation of those with whom I have politically been associated, to any judicial station. This, too, is a minor consideration. One party may be put out, and another put in, but if the means are devised to secure good conduct from each, the State is safe, the rights of the citizen are safe. In a little time your party men will cease to be such, if you appoint them with the proper tenure of office; and without this, you cannot have a good judge from either party. With this fixed tenure his party expectations, and his party aspirations are at an end, and with them, his party feelings.

I am influenced, therefore, by no considerations of a personal, social, or political description, but from a deep and solemn conviction that this question should be determined by infinitely higher and more enduring considerations. The step proposed to us, if once taken, can never be retraced, whatever may be the mischiefs it entails upon us. Revolutions never go back. We have lived happily and safely under our present system; then why change it? The dangers of a new system cannot be fully anticipated, obvious as some of them are; why hazard them? I have been in States where this change has been made, and I could tell of some things which might produce effect; but I will not, because I am unwilling to be personally unkind, or seem to be so. But I will say that the result of my experience is, that the judiciary has lost the respect of the community in the proportion in which it has departed from this fixed tenure. The principle of respect for the law, in the character of the Anglo-Saxon, may carry us on well enough for a season, but this impetus will cease after resistance from disturbing causes. It is like a locomotive. You may remove the motive power, and the car will run on for a while; but the resistance from friction and other causes, will produce a continually decreasing speed until it comes to a stand still. Sir, it must be so; these temporary appointees will lose their character. The loss of that respect which is essential to their usefulness, will follow; and their ability to be useful, will then soon be succeeded by a condition of things in which they will be positively mischievous. It may not, nay I hope will not occur, Mr. President, in your day or mine; but why should we gratuitously impose upon our children and our posterity, a yoke which we cannot, and which I fear they never can bear?