Mr. N. said he felt it to be a solemn duty to his constituents to present the resolution just read. After the decisive vote of the Convention yesterday afternoon, it was apparent that the judges of the supreme court would be elected in single senate districts. In his judgment it was not only a matter of the highest expediency but of the plainest principle, that these judges should be confined in the exercise of their judicial duties to the district in which they are to be chosen He felt satisfied that the constituency which he in part represented would never consent that their lives, liberty and property should be at the mercy of judges over whose election they would have no control—and such he fully believed would be the feeling of the people of the state generally when they should learn in what manner we had determined to elect the judges. The argument adduced in favor of the district system was founded on a palpable fallacy, to wit: that our judges were the representatives of the people, acting as the component parts of a great whole, in which the state was fully, fairly and equally represented. This was not in any manner true. It might, be admitted, if the court were only to act when assembled as a whole, as in the case of the legislature and the court of errors, where every constituency has a voice, and is entitled to be heard in every matter brought before those bodies; but according to the plan already adopted by the Convention, any three of the judges of the supreme court will be not only authorized but required to hold its terms. The several districts in which the court will be held cannot be expected to have their own judges beyond a mere fraction of the time. As a general rule, justice will be administered to them by magistrates elected at a distance, irresponsible to them in any manner, and perhaps indifferent to the approbation of any but their own immediate constituency. This was a violation of all the principles on which the foundations of popular government rested. It was not democracy—it was not equal rights, but absolute despotism. He felt it to be an imperative duty to resist in every manner the establishment of a system which he regarded as in the highest degree tyrannical and at war with the sentiments of the people of the state. He should therefore press the consideration of the resolution he had just offered.

Mr. KIRKLAND moved to lay the resolution on the table. Carried.

The Convention resumed the consideration of the judiciary article.

Mr. BROWN called for the consideration of his motion of reconsideration made last night, in relation to the election of judges by senatorial districts. The election of judges was at best but an experiment, and one to which a large portion of the people looked with great apprehension. If, however, a plan were to be tried, it should be one that would give satisfaction. The election of judges by single districts would put the elections in the power of one or other of the great political parties, which he desired to avoid. The judges should be the representatives of the entire people, and removed from all party considerations. He had heard the remark that the nomination of state officers at Syracuse was a mere mockery, and he felt the full force of the observation; but he consoled himself with the reflection that a change was at hand. He had heretofore stated his preference for a general ticket if the judges were to be elected, but if he could not obtain that, he should desire judicial district elections, and not elections by senatorial districts. He was prepared to see the opposition which had met the judiciary committee at every step—not in this house, but out of it—rise up and triumph over the downfall of the scheme which had been perfected by the committee. He said the whole plan would have to be remodelled to suit it to this plan of election, should it be finally determined to let it remain. He appealed to the gentlemen from Kings, (Mr. MURPHY,) who he had almost said was the author of this mischief—but he ought not to say that perhaps, because he did not believe he desired to make mischief—to allow this question to be reconsidered, and then to modify his amendment by inserting the word "judicial" in the place of "senatorial," which would present the question distinctly; and he would be satisfied with the result. He regretted that party politics were last night brought into this subject. He hoped it would be disposed of on its merits, and he appealed to gentlemen to come up and aid him in making a system that would be advantageous to the whole state.

Mr. RICHMOND said the gentleman from Orange had represented the vote taken last night as producing an inconsistency between the various sections of this article. If that were so, he suggested that the other sections should be made to conform to the section agreed upon last night, and the inconsistency would be remedied. He would not consent to a reconsideration of the single senatorial system of election of judges, who were as much the representatives of the entire state as senators were, who were elected by the same system. He desired to preserve this mode of election to prevent this combination of politicians and the election of one inefficient or improper judge by coupling him with others of character and ability. A bad judge might be smuggled in with four others, who could not be elected if he were to stand on his own merits.

Mr. KIRKLAND said he voted yesterday for the amendment of the gentleman from Kings, (Mr. MURPHY) providing for the election of a judge of the supreme court in each of the thirty two senatorial districts of the state. Having given this vote, he owed it to himself and others to state his precise position on this subject. As he had occasion to remark a few days since, there were in his judgment serious if not insuperable objections to selecting the incumbents of all your judicial offices from the highest to the lowest grade by means of election. These objections did not arise from any want of capacity, moral or mental, on the part of the people, to select suitable persons for these stations; on the contrary, his firm conviction was, that a choice made by the spontaneous, independent, impartial action of the electoral body of this state, would place in your judicial tribunals incumbents as well qualified as any that could be procured in any mode that had been or could be

devised. But we must look at facts as they exist and were likely to exist. All knew that nominations to these offices would be made by party caucusses and conventions—that these assemblages, and the nominations they made, were very often the result of intrigue, of manœuvement, of personal and local arrangements and of the contracts and bargains of mere politicians. All understood well too, the iron rule of these caucusses and conventions; their decrees were despotic, and political death awaited him who refused to them passive obedience. The consequence was, that to one case where these decrees are disregarded, there are ninety nine where they are implicitly obeyed by all party men. Indeed, (continued Mr. K.) strict adherence to "regular nominations" is the watchward of all parties, and has come to be regarded as an essential article of party faith. Thus, the nomination by the party happening at the time to have the majority, is tantamount for all practical purposes to the *actual* election, and thus in fact the irresponsible members of a party convention, acting under no official sanction, and assembled for a day or an hour and then dispersing to meet no more, will in fact appoint your judges. I prefer for this purpose a more responsible appointing power. But objections of a still graver character arise out of the circumstances in which an elected judge would be placed, and the temptations to which he would be exposed. A judge is liable to the same passions, prejudices and influences with other men; his nature is not changed by his official character; judicial robes cover the same infirmities that are found under meaner garbs. Will not the judge be apt to remember the man who greatly promoted, perhaps secured his election? Will he forget him who opposed him with zeal and energy and perhaps intemperate heat? In view of re-election, will he be sure to do impartial and exact justice in a controversy between the powerful and the powerless? between him who may control many votes and him who can control none? In periods when the public judgment may be misled (and such periods sometimes happen,) will the judge disregard that erroneous public judgment or will he, to secure his re-election, yield to it, and at the hustings and in the public prints proclaim himself the advocate, if needs be, of repudiation, as has been done by the candidates for judgeships in Mississippi? When there prevails some great popular excitement, as has several times during the last ten years occurred in extensive districts in this very state, will he stand manfully up against those excitements and administer justice with entire purity and impartiality? Especially, will he do this on the eve of an election, which is perhaps to determine whether he is to be consigned to the obscurity of private life, perhaps to penury, or whether he is to enjoy a competent salary and the honors of the ermine for another eight years' term? Many other views of a similar kind might be presented; all deriving additional force from the shortness of the term (eight years) already determined on by a decisive vote of the Convention. Not one of these objections casts the least doubt on the intelligence and virtue of the people, or implies the slightest distrust of their capacity to select their own agents and officers. Such doubts and distrusts form no pa of my political creed: they cannot be harbored in the bosom of any one, who believes with me, that "man is capable of self-government."—But our constituents do not, as I believe, desire or expect this change. It is a mode unknown and untried in our sister states with a solitary exception—and I see it stated in the prints that the new Constitution of Missouri is just now rejected; and in part because it proposed the election by the people of a portion of the judiciary. But the objections to the election of the judicary, which I consider so serious, are not so regarded by others. A majority of this Convention have doubtless decided that the judicial office shall be filled by election and with that decision, so far as this body is concerned, I am not to quarrel. But, I was called on to vote on the mode of carrying out this decision; and when I gave my vote yesterday, I was persuaded and still am, that the mode proposed by the ment of the gentleman from Kings is the safe, suitable and reliable manner of giving effect to the principle of popular election, and therefore I sustained and shall continue to sustain it, until some proposition for filling these offices less objectionable to me than that of election is presented. I supported this amendment, because in my judgment it will diminish in some degree the danger of corrupt intrigues and selfish bargains and combinations at nominating conventions; it will enable the elector to know better the character and qualifications of the candidate and thus more intelligently and more safely to cast his vote; it will create on the part of the elector a deeper sense of responsibility; it will exonerate him from being compelled to vote for those of whom he knows nothing and of whom perhaps he never heard; and in my view it is the only true and consistent mode of carrying out the principle of popular election, if it is to be applied to our judicial tribunals. I trust, for the reasons I have briefly stated, that some other mode of filling these offices than that of election may yet be adopted by the Convention—but if that is not to be, then I shall unwe- ingly adhere to the vote I have already

Mr. TALLMADGE was extremely emb- rassed by his motion to reconsider. At the early part of the session he had been told over and over again, of the necessity of bringing the election of all candidates home to the people. And yet we were now asked by the same persons to unlearn all that we were then taught, and to take the contrary track. He was embarrassed by such a contrariety of vews. He was proud yesterday to have voted for the motion which it was now sought to reconsider. He would adhere to that vote. He commented upon the corruptions which had been witnessed under the present system. He would send all these questions home to the single districts. But it was said, you would have an anti-rent judge, an anti-Mormon judge, an abolition judge. Let it be so. Make a single district and elect an anti-rent judge. His word for it, they would put up their very best man. But throw four of these judges into one district, and 1000 abolition or anti-rent votes might so hold the equipoise between the two parties, as to invite corruption, and thus secure the whole four. Besides, he was in favor