THE ELECTION OF JUDGES, AND THE LAWYERS' PART THEREIN.

The choice of judges is one of the most important steps in the process of popular government. The fairness, learning, integrity, industry and courtesy of the individuals who fill judicial offices have much to do with the welfare and happiness of the people, and are intimately associated with the progress and development of the law itself. Under the primary system of nominations, prevailing in many States, and especially in large cities, the great body of the electorate has scant opportunity to know the merits, or measure the demerits, of candidates for such positions, and must depend on other means of information than the personal knowledge which in small communities permits the voter to form his own judgment of those who offer to serve the public It is natural for the good citizen, desiring to do his full duty to the courts and to his fellows, to look to the Bar for counsel in the choice of judges. It is a very pertinent question for the alert and busy lawyer of today, whether the Bar as a body has now the influence it should possess in the selection of judges. In earlier times the influence of lawyers was predominant in this field, whether the judges were elected by the people, or appointed otherwise. That influence was generally exerted with little regard for party affiliations, and with a sound discretion which found fruits in an upright and very efficient Bench.

NEW YORK.

In New York, a great State typical of many, we find frequent illustrations of non-partisan or bi-partisan action, in recent years, in reference to the choice of Judges of the Court of Appeals. Men like Judge Collin (Democrat) refused to run on their party ticket unless his party would endorse

Judge Vann to succeed himself, although the latter was a Republican. Judge Cardozo, a Democrat, was supported and elected by the Bar, without regard to party lines, and Judge Cullen of the same party remained on that Bench, despite the fact that he belonged to the party politically in the minority. Judges Rapallo and Chas. Andrews and Denis O'Brien, two Democrats and one Republican, have been beneficiaries of State-wide movements of the Bar to secure non-partisan indorsements of experienced judges long in service, without referring to political affiliations.

Of the lower courts of that State, we are permitted to quote the report of a very eminent jurist of Buffalo, a former President of the State Bar Association,* as follows:

"In the Rochester District, about fifty years ago, Bradley, J., and Angell, J., were really nominated by the Bar, although they were Democrats, were endorsed by the Democratic party, and defeated two rather able Republicans, in a judicial District Republican by some 30,000 majority, wherein the Republican machine leaders had made the slate that was thus smashed by the voters.

"Later, nearly twenty years ago, in the Syracuse-Utica District, ex-Attorney General Davies was put in nomination by the Republican leaders, but Andrews, Ch. J., then retired, led the Republican revolt against such a machine nomination, and the Democrats endorsed Mr. Rogers, an eminent independent Republican lawyer, of Watertown, N. Y., and he was elected in a district Republican by 30,000.

"In the same district, twelve years ago, the State Bar Association called for the repudiation of the machine nomination of Judge Scripture, who had proved an unsatisfactory Judge. The independent Republicans joined with the Democrats, in supporting Merrill, J., a Democrat, and he was elected by about 15,000 majority in the same district, notwith-

*Hon. Adelbert Moot.

standing Scripture, J., was supported by at least ninety per cent of the Bar, because he had been so generous in granting extra allowances to about every lawyer who came before him and asked for one.

"And in the Buffalo district, twelve years ago, the Democrats endorsed the independent nomination of Pooley, J., a Republican, as a protest against a very respectable machine nomination, and, in spite of a Republican majority of between thirty and forty thousand in the district, Mr. Pooley became Judge Pooley, by a majority of about 5,000.

"Some six years ago, a Democratic Governor appointed Herbert Bissell, a Democrat, and a nephew of Cleveland's Postmaster General, a Justice of the Supreme Court, and, despite a very respectable Republican nomination against him, Bissell, J., was elected, because he had done so well for a short period on the Bench as an appointee, and because so many Republican lawyers therefore insisted that politics should be ignored and a good Judge should be continued upon the Bench."

How are such results brought about?

"All our Bar Associations, from the State Bar Association down to the City and County Bar Associations, have committees of the highest character, whose duty it is to pass upon judicial nominations and warn the public, if such nominations upon either side are unfit to be made, for any reason. Upon these committees, lawyers of the very highest character are appointed, and their report adverse to a candidate is usually sufficient to defeat that candidate, as the few instances given indicate, for there might be given many other instances. In short, the people of this State have become accustomed to think that Judges should not be selected for political reasons, by bosses or any one else, and to vote accordingly. In some instances, the Judiciary Committee of Bar Associations have not been as courageous as required, because the candidate was respectable and honest, but of mediocre ability. In

those cases either the State Bar Associations interfered in a few instances, or else there has been an independent movement of the Bar and of thinking citizens, to bring about the defeat of the candidate, in spite of inside machine support and support of a majority of the Bar, as was the case where Vice-President Sherman's strong machine supported Judge Scripture; but the leaders of the Bar, following the report of the State Bar Association Committee, summed up in the one word 'unfit,' brought about his defeat at the polls."

The foregoing comment by an able and careful observer, himself in the first rank of busy lawyers in New York State, indicates that the Bar of that State are awake to maintain and retain the influence they should have toward selecting the best judges available and with scant regard for party affiliations.

NEW YORK CITY.

In New York City the Bar Association (which is a large, active, wealthy and powerful organization) has a procedure in dealing with judicial nominations generally resembling that in Chicago, described later in this article. In New York, however, the Judiciary Committee not only submits reports on the merits of proposed candidates, but prepares resolutions, recommending action of the Association to be taken on each candidate. In the latest report, May 9, 1922, the Committee makes a declaration of principles which it accepts, in dealing with candidates:

"It has not been the practice of this Association to urge the renomination, upon a non-partisan basis, of judicial officers who have served for less than a full elective term, but, as the Association is fully committed to the principle that personal fitness, rather than political affiliations, should control in the nomination and election of judicial officers," the Committee proceeds to point out some favorable facts in reference to one of the candidates.

PENNSYLVANIA.

The procedure of the Law Association of Philadelphia is described in one of its By-laws (53) as follows:

"53. The Committee on Judicial Vacancies, whenever a Judge of the United States courts for this district, or of a local court is to be appointed or elected, shall immediately meet to decide whether a special meeting of the Association shall be called for the purpose of determining whether the Association shall take any action in regard thereto. Said Committee shall make rules for the calling and conduct of such special meeting of the Association and for the voting thereat. If at such meeting it shall be determined to recommend or nominate candidates for such office or offices, then an adjournment of the meeting shall be taken for not less than one week, and notice thereof given to all the members, and there shall be submitted at such adjourned meeting a printed ballot, to be made up of candidates proposed by the Committee and also of candidates nominated by petition of at least fifty members of the Association, provided such nomination or nominations by petition shall have been given to the Chairman of the Committee forty-eight hours before the adjourned meeting. The ballot shall contain the names of the persons so nominated alphabetically arranged, and the office for which the nomination is made, and the voting upon such ballot shall be by making a cross before each name voted for: Provided that no vote shall be rejected because the name of the person voted for has not been printed upon the ballot. If there be three or more nominees for each office to be filled, each member shall be entitled to vote for three persons for each such office, but if there are less than that number, each member shall be entitled to vote for any or all the nominees. The candidates chosen by two-thirds of the members present and voting at such meeting shall be the candidates of the Association, and shall be recommended as such to the President or the Governor, or to the political parties; and if it shall be resolved to

nominate candidates, the said Committee shall take all necessary steps for that purpose. The rules governing the voting at such adjourned meeting shall be made by said Committee."

We have been unable to obtain, in the time available, any report on the practical workings of the by-law above quoted, or any report showing to what extent it has been utilized.

ILLINOIS.

In another great State, our neighbor Illinois, late events have demonstrated the power of the Bar, amid trying and discouraging circumstances. Only last year occurred a struggle over the election of twenty Judges of the Circuit Court in Chicago, between the paramount Republican organization, headed by Mayor Thompson and his party associates, including (as such organizations frequently do) many prominent and able members of the Bench and Bar, on the one side, and a mixed organization, led by the President of the Bar Association (Jno. R. Montgomery), including the greater part of the Democratic party and an important contingent of Republicans opposed to the Mayor's, or "City Hall," ticket, as it was sometimes called. The whole story of this remarkable battle between independent members of the Bar and the regular Republican organization, which normally had a majority of many thousands, is given in our St. Louis law weekly of November 4, 1921 (93 *Central Law Journal, p.* 312). It is too long even to summarize, except as to certain salient phases material to our theme. The gist of the lesson given by the Chicago result in which the City Hall ticket was completely defeated is that:

"The people of Cook County are capable of choosing their own judges, if they give the problem the time and attention it requires" (p. 315).

So is any community, however large. The patriotic members of the Bar, who gathered together the twenty able

candidates for the Bench and won the victory over the "City Hall" ticket, had succeeded in arousing the interest of good citizens to an extent that led about sixty-five per cent of the voters to go to the polls and cast their votes. That was enough.

The customary method of action by the Bar Association of Chicago, in reference to judicial elections, is to have a special committee examine into the merits and character of those offering or nominated for such offices, and to have a careful printed report made upon the career and qualifications of each one, after taking many precautions to obtain fair and impartial reports. Those reports are printed and circulated by the Association and contain facts which aid the ordinary voter in making his choice among the various candidates. The year-book of 1922 of that Association, issued in April last, contains over one hundred such sketches and reports on judicial candidates for 1922, and forms a booklet of 39 pages.

In Illinois, the independent voter for judicial offices has an encouraging ally in the system of special elections for those offices. Special elections help to diminish the force of partisan rancor, and to concentrate attention upon questions of the fairness and fitness of the candidates.

The keynote of successful action by the independent Bar, seeking only what is best and highest, in ability and character, for judicial service, is found in the response of the people to appeals to their desire for good government, after they have been taught by harsh experience, or educated to appreciate the necessity of exercising that "vigilance which is the price of liberty." Indifference to the personnel of the courts frequently results in the selection of incompetent or weak judges, through modern electoral machinery. Happy is the community which has been trained to a proper understanding of the value of an able, impartial and enlightened judiciary!

WISCONSIN.

We have a sketch of conditions existing in Wisconsin, as given by one of the many conspicuous and noble examples of the kind of judges they produce. Chief Justice Winslow, in his *"Story of a Great Court"* (1912), after reviewing judicial elections in that State, says:

"I know of no State which has been so successful in eliminating political considerations from judicial contests as Wisconsin; indeed, the sentiment has gone so far that any political activity on the part of an occupant of the bench or a candidate for the bench is universally considered as a breach of judicial etiquette. The sentiment prevails also with reference to the circuit bench. While, in most of the circuits, the politics of the judge agrees with the prevailing political view of his circuit, still this is by no means universal, nor are party conventions called to nominate candidates. An attempt to place a party candidate in the field would almost certainly meet defeat. That this condition of public opinion makes for the independence and efficiency of the judiciary there can be no doubt. In this respect, as in many others, Wisconsin is in the best sense a progressive commonwealth."

There is much more evidence that conditions in that State are far advanced toward improved methods of choosing judges. It should be remarked that Wisconsin also requires judicial elections to be held apart from others. Thus, the attention of the electorate is fixed on the judges and their qualifications, apart from political or executive offices.

The prevailing method of procedure in Milwaukee, the largest city in that State, we may describe, in the language of the distinguished President of the Bar Association of that city, Hon. J. G. Hardgrove, by his permission, as follows:

"The Milwaukee Bar Association conducts what is called a Bar Primary. It is, in reality, a development of and substitute for the old call from the Bar. Any three members

may nominate any man for the endorsement of the Bar in what is called the Bar Primary. A formal notice with a ballot containing the names of all who have been nominated is then issued to the members of the Association. Each member marks his ballot, as under the Australian ballot system, and encloses the same in a special ballot envelope, which, in turn, is enclosed with a letter signed by the member in an envelope addressed to the Secretary of the Association. The Secretary deposits the ballot envelopes unopened in a ballot box and checks off those who have voted by reference to the letters enclosing the envelopes. At a time fixed, the ballot box is opened by representatives of the Association and the result announced.

"The Association does not, however, conduct any campaign in support of the nominee thus endorsed. Each member is free to vote as he chooses at the election. Tradition in Wisconsin, as you no doubt know, has been very strongly against party nominations for judicial office. While the State has been Republican at most elections for the last fifty years, the question as to a man's political affiliations has, as a rule, never been raised, and it is a sort of unwritten rule that the Supreme Court shall at all times be about evenly balanced. In conformity to this unwritten rule, Governors have frequently appointed men of the opposite political faith. I venture to say that a large portion, possibly a majority of the Circuit Judges of this State, are Democrats chosen in Republican circuits. I am sorry to say, however, that in Milwaukee the Socialisits have brought out party candidates for judicial office at every or nearly every election for the last twelve years. Under the law, however, they do not go on the ballot as party nominees. At the judicial primary all candidates, except the two highest, are eliminated and at the election only these two names appear on the ballot. This ordinarily results in the union of all anti-Socialistic forces in support of the non-Socialist candidate left in the race of primary, whether he be a Democrat or a Republican."

The same distinguished Bar leader, in another (later) message on the same general subject, adds the following commentary well worthy of much consideration:

"What seems to me the marked virtue of the attitude of the people of our State toward the judiciary is the disposition to wipe aside political considerations and to look only to the fitness of the particular individual for office. When, if ever, the ideals among the mass of our people become low, the result under our system will be to elect undesirable men to the bench. We have been fighting against that at every election for years in the city of Milwaukee."

WASHINGTON.

In that State the selection of judges is *"non-partisan,"* which, according to the opinion of an officer of the Seattle Bar Association, is "very desirable," as it removes the judiciary from politics, to a certain extent at least. The Bar interest themselves in the selection of judges; but the Association makes no endorsement or recommendation.

CALIFORNIA.

The latest method followed by the Bar Association of Los Angeles, in selecting judicial candidates for indorsement, is described by the able Secretary, Hon. R. H. F. Variel, Jr., as follows (under date June 27, 1922):

"The Los Angeles Bar Association has, during recent years, twice conducted a plebiscite of the Bar of the County, for the selection of candidates for endorsement by the Bar. The first was prior to the general election in 1920, and the second in the year 1921, for the recommendation to the Governor of candidates for appointment to fill new Superior Court Judgeships created by the Legislature. At the present time plans are being made to conduct another general plebiscite, for the selection of candidates for election to fill

the various vacancies which will occur in the Superior Court of this County.

"The plan which was used last year will doubtless be used again this year and consists of a single ballot containing the names of all candidates who are lawyers of good standing and reputation and who have practiced law not less than five years last past, within the State of California. The vote will be taken by a mailed ballot and the voter will be required to cast his ballot for as many candidates as there are positions to be filled. All 'single shot' and otherwise incomplete ballots will be thrown out when the tally is made. If there are ten vacancies to be filled, the ten candidates receiving the highest vote will receive the endorsement of the Bar, irrespective of whether or not each one has received a majority of the votes cast."

OHIO.

The report we have, through the courtesy of the Secretary of the Cleveland Bar Association, of the procedure recently followed by the Bar in respect of the choice of Judges, in June last, is as follows:

"This year five Judges of the local courts are to be elected. In the list is included three Judges of the Common Pleas Court, one Judge of the Court of Appeals and one Judge of the Insolvency Court.

"These Judges were required to run against their records before members of our Bar. A ballot, on which was submitted the question whether each Judge should be retained in office, was mailed to all members of the Bar. These were voted and returned by mail to the Association. All Judges were indorsed.

"Our Association appointed a campaign committee to promote the candidacies of these Judges. The Democratic Executive Committee has indorsed our candidates. Yesterday the chairman of the Republican Executive Committee

was authorized to consider the question of indorsing the judicial candidates put forward by the Bar."

It is evident from the report that party affiliations have little influence on the action of the Association in Cleveland.

MINNESOTA.

That State bears the burden of a piece of history which occasioned deep regret among many lawyers in other States, namely: the defeat of Hon. Wm. Mitchell, a Democrat, in 1898, upon a political party alignment, after about eighteen years of most distinguished and able service as Judge of the Supreme Court. Few men have been so universally commended as he for the clearness, learning, deep research and fairness exhibited in his decisions; few (at least since the defeat of Judge Cooley in Michigan) whose loss to the Bench has excited such universal regret. He had grown old in the best service of his State and survived his defeat but a short time. Yet the same State, in the city of Minneapolis, seems to have now a modern and extremely simple method for the selection of candidates without regard to party affiliations. Under the law of the State, the office of District Judge is non-partisan, and any one admitted to the Bar may file for that office forty days before the election. The Bar Association acts after the date for filing. At the most recent referendum (June, 1922), the ballot of the Bar Association contained eleven names; four to be chosen; no party designation is made. This ballot is sent to all members of the Bar in the county, and is not confined to members of the Association. After the vote is counted, the result is given to the daily papers without any comment or recommendation by the officers of the Association. The Minneapolis Bar Association has taken this vote for the past fifteen years, and with one exception the candidates endorsed have been elected; the winning judge this time ran very close to the other two who received the indorsement. In the vote just taken in June,

1922, 740 ballots were sent out and 651 were returned. The Association also takes a vote on the Judges of the Municipal Court in the same way.

MISSOURI

In Missouri, the State with whose history the writer is most familiar, many instances are recorded, prior to the Civil War, in which the Bar exhibited an independence of choice which was rewarded by conspicuous results in the development of our jurisprudence.

We learn from the interesting *"Reminiscences"* of Col. James O. Broadhead some facts bearing on the methods of our forebears in selecting Judges for our highest State Bench:

"At the election provided to take place on the first Monday of August, 1851, Hamilton R. Gamble, John F. Ryland and William Scott were elected. Gamble was a Whig—the State was Democratic—but the high character of the man, his learning and ability were so conspicuous and so highly appreciated that he was elected to the Supreme Bench. On the 15th of November, 1854, Gamble resigned, and on the 1st of January, 1855, at a special election, Abiel Leonard, of Howard County, was elected to fill the vacancy. Mr. Leonard was also a prominent member of the Whig party, but he was also elected in a Democratic State because of his high character and ability as a jurist. And no Judge who ever held a seat upon the Supreme Bench of Missouri has been his superior in ability, learning or judicial acquirements.

"At the August election in 1857, William Scott, William B. Napton and John C. Richardson were elected as Judges of the Supreme Court. Judge Richardson was also a Whig in politics, elected in a Democratic State, and we cannot speak too highly of his ability and integrity" (Hist. Bench and Bar, Mo., Stewart, 1898).

At a later period, in April, 1870, George A. Madill was called to be a candidate for election as Circuit Judge in St. Louis by members of the St. Louis Bar, irrespective of party. He was a Democrat, while the prevailing majority in the county was largely Republican. Yet he was elected, without opposition, as one of the Judges of our court.

EFFORTS TO INAUGURATE A NON-PARTISAN JUDICIARY.

In October, 1870, the first Democratic City Convention held after the election of Judge Madill (without partisan division) attempted to initiate a movement for a joint judicial ticket of all political parties. The Democratic City Convention met, nominated all its candidates "for political and remunerative offices," and appointed a committee of fourteen lawyers to confer with those of the other political parties (the Brown and McClurg divisions of the Republican party) "to consult and make such selections as would best accomplish the great end desired," which, in the report, was described to be:

"that in the selection of judges for our courts, ability, integrity and true merit should be its aim, freed from the excitement, strife and heated controversy of political parties and strict party conventions, that the judicial ermine, as in earlier and better days, should not be polluted by selfish or corrupt partisan influences or controlled for wicked partisan purposes. But that those selected for judicial stations, upon whose action and decision, to a great extent, depend the property, rights and liberties of every citizen, of all parties, should come to the discharge of their duties unprejudiced, and with the scale of justice evenly balanced" (Mo. *Republican*, Oct. 25, 1870).

The effort failed, because one of the divisions of the Republican organization declined to accept the plan, and "nominated its strict party candidates." The Democratic

Committee, after explaining the facts in a full report (from which some quotations above are taken) recommended as the three candidates for circuit judgeship to be filled, Judges E. B. Ewing (formerly a Supreme Judge), James J. Lindley (formerly a member of Congress) and Horatio M. Jones (formerly a territorial judge in Nevada). Those were elected at the election following, in November, 1870.

ST. LOUIS BAR ASSOCIATION PROCEDURE IN 1922.

The procedure followed in dealing with judicial nominations in 1922 is defined by a series of regulations adopted by the Bar Association in May, 1922, the chief features of which are that two Judicial Candidate Committees of five each (Republican and Democratic) are appointed. Each is "authorized to take such action, if any, as it may deem to be advisable to the end that desirable candidates of its political party be induced to file for nomination" to the various judicial offices to be filled, eleven in number. The Democratic Committee, upon ample notice, called all Democratic attorneys, residing or having offices in St. Louis (whether members of the Association or not) to meet in convention at the Planters Hotel, May 26, 1922; which accordingly they did, nearly 300 taking part. The Convention organized, chose officers, appointed Committees and regularly chose candidates for all the judgeships (eleven in number) by majority vote by ballot, from among twenty-two who were proposed as candidates. The candidates so selected were requested to file the official papers required by Missouri law, and did so, in due course.

On the Republican side, over thirty filed official nomination papers, as candidates for Circuit Judge; and then the Bar Association proceeded to take a referendum ballot upon the Republicans and Democrats (separately) who had filed; as the official filings, in both parties, exceeded the number to be chosen. Upon votes by ballot, duly taken, under the

Regulations, one list for each of the parties was indorsed by the Association and the result published in the daily press by the officers of the Association.

A proposed resolution was offered in the Democratic Convention for a conference committee to confer with one on the Republican side,

"with a view to ascertain if it be not practicable, and to the best interests of the people of the City of St. Louis and of our Bench and Bar, to unite upon a non-partisan ticket for said judicial offices, in the proportion of six Republican candidates to five Democratic candidates, to be selected under the direction of the Bar Association, or as may be agreed upon" between the Bar and the party committees.

The resolution was approved in principle by the Committee on Resolutions (of which Hon. John F. Lee was Chairman), but they further reported that, under the Bar Association Regulations for the primary, the resolution should be referred back to the Association, which therefore was done.

PROGRESS.

The progress made in our subject may be gleaned from the foregoing facts showing the procedure followed by the Bar in various parts of our country in recent years. The earlier history thereof is of importance, and may be found, to the year 1905, in an article in the *American Law Review* (Vol. 39, p. 348) by Hon. Simon Fleischmann, on the *"Influence of the Bar in the Selection of Judges."*

All phases of experience, in the effort to diminish the effect of partisanship in the selection of judges, are worthy of consideration by lawyers whose ambition is to contribute something toward the uplift of their profession. The incidents of a modern primary when candidates for judicial nominations in the same party compete, do not always conduce to the elevation of the Bench in the view of the ordinary citizen.

The Bar must do its part to preserve the respect due the high office of Judge by its own incumbents and by the general public. Whatever diminishes partisan spirit on the Bench is a positive help toward pure administration of the law. A young lawyer, discussing this subject, recently said: "There ought to be no such thing as a 'Republican Judge' any more than there should be *Republican law.*" The remark was full of meaning. Yet judges are men, and must be privileged to enjoy and apply the political principles they accept as part of their mental structure. The best of judges has the same right as others to profess and assert his convictions on subjects classed as political, affecting the welfare of his country. Those subjects are often intimately associated with the interpretation of law. Yet the past history of the Bar and of its most brilliant and safe exponents admonishes us that, in the selection of judges, partisanship should never be permitted to obscure the higher requirements of the judicial office. The Bar should endeavor to educate the electorate to appreciate the merits of judicial candidates apart from their mere classifications as partisans. The quotation we have already given from Judge Winslow's book, as to the state of public opinion in Wisconsin, and the example of the procedure by the Bar Association of Minneapolis, at the present time, furnish texts which lawyers elsewhere may ponder to advantage.

One point of procedure which appears to have great value, toward directing public action the right way, is to separate elections of judges from those for other offices, by considerable periods of time. Another point in the right direction should be an effort toward a closer companionship and comradeship among members of Bar Associations in large cities. The wonderful power and influence exerted by the English Inns of Court upon all phases of law affairs, including the selection of judges, are due to their unity, the intimacy of their members, their brotherly fellowship, and hence their ap-

preciation of the qualifications of their membership. The bonds of fraternal sympathy and social intercourse between the general membership of Bar Associations in this country are not as strong and gripping as they were a generation ago, or as they are in England now. The tendency toward commercialism in our profession is stronger than of old. It should be combatted. The traditions of the Bar give us such noble ideals, and so clear a path for leadership in good citizenship that we all should strive to live up to the standards of the past, and to forfeit nothing of the good record that our progenitors have made.

It is not, however, the purpose of this article to attempt to point out the best mode for the selection of judges: but rather to present the facts we have been able to gather, for the consideration of our brethren, in the hope that those facts may stimulate investigation, and be helpful toward a solution of the problems presented by our theme. The object to be aimed at is to diminish, as far as possible, the effect of partisanship in the selection of judges. It is manifest that there is much opportunity of leadership afforded to the Bar in devising and adopting measures to keep the ermine as pure and unsullied as our ideals picture. It is to the credit of our profession that its influence on its devotees points always to the best and noblest aspirations. We must hope, and we also firmly believe, that, in the matter of choosing judges, any imperfections in our present system will be progressively corrected, and the effects of any undue influence of partisanship may be removed. The Bar is the natural leader of the people in this field, and it must never abdicate its functions.

SHEPARD BARCLAY.