

Choice Selections.

THE STELLA.

This is a star in high spirits.
When you're stars, you're
To my eyes, when we meet,
Then all the stars beside.

A star so bright, the other stars
Are like to look at her again,
As though she were the sun,
And nothing else could rise.

Other like her, which bright stars
In view are growing rare,
When darkness comes darkly close—
With no horizon day.

And these, perhaps, are good and true—
The stars that are the sun,
They are, in fact, dark stars, too,
Mist, or, better, their light.

Still others, as change they may,
In these bright stars shine,
In sight that never ceases,
Their greatest wealth of love.

A CHILD'S PRAYER.

BY ALICE COKE.

Remember the song of thyself,
When the sun was young,
Before the springtime blossoms,
Redding out of snow,
Were the roses and check out,
Of the little child at play,
Like a tiny leaf on the blossom,
Bursting out with light,
Like a promise in the shadow,
Of the simple bright,
Bursting out, saying, Hail, One,
Thine, and me, and all the world.

TO A CHILD.

BY ALICE COKE.

Oh! how bright things look from the hand of God,
The motion of the dancing leaves are gay,
By the morning of the long,
Seasons come and go, while looking there,
The eye sees beauty, and the heart finds cheer,
His hand was on the "wayward" tree,
This later blossom!—"Never dream,
Breaking with laughter from the lake divine,
Whence all change flows!

THE BENCH AND THE BAR.

The exact nature of judicial authority will soon be as distinctly defined to the popular mind as any other peculiar to the institutions of the United States. There are many amongst us to-day who have no other conception of the judicial office than that derived from the elementary and constitutional precedents of Great Britain; and out of this gross and absurd misapprehension of the institution in the United States, were it not for the good sense of the people themselves, we should have an arbitrary and despotic exercise of authority wielded from the bench in contravention of all the great principles of popular supremacy. Scarcely an issue arises between the bench and the people, but we find some amongst us ready at any sacrifice of their own independence, to uphold by the old sophistries incidental to the maintenance of arbitrary power, the assumptions of the judiciary, take what form they will.

That the bench itself would be unwilling to surrender any portion of that impudent character which has pertained to it elsewhere, we might naturally suspect; but to the honor of many who have occupied that responsible station in the United States, we are pleased to say it is not so. Not a few of our jurists have distinctly recognized the difference between the institution here and in Europe, and have identified it with the spirit of the Republic. On the other hand, there are members of the bench, of the bar, and those among the people, who are clearly disposed to invert the benefit of the United States with characteristics akin to the monarchical type. It becomes us of us who meet with such tendencies in public to resist them, in a firm but proper spirit, unaffected by the ignorance or impertinence with which they are associated.

That the nature of the judicial office in Europe, England for instance, is essentially different from the same office in the United States, needs no demonstration. But the difference should be popularly understood and appreciated. The judiciary of England is a creature of the throne; and the judge is only a representative of the monarch himself. Previous to the Magna Charta, the supreme civil court of England was attached to the King's person, and constituted a vital element of royal power. By one of the provisions of that instrument, the court was made stationary, and thus a great step was taken towards that regular, independence and accessibility of public justice so essential to the maintenance of the liberties of the people. This progressive principle established, in common with trial by jury and the writ of *habeas corpus*, the tyrannical exercise of the power remaining with the monarch was measurably restrained. "Measurably," we say, because since the reign of John, popular rights as guaranteed by magna charta have been grossly abused, and that the direct will and power of the reigning monarch. The judge is now appointed by the crown, and even the tenure of office of the superior judges of Westminster was, for long time, held subject to the pleasure of the king. By a legal fiction, the king is always supposed to be present in the court, hence we have the form of action, the King or Queen versus A. B. And the term "Q. C." queen's counsel, familiar to us now, under the reign of Victoria.

We state these familiar facts merely by way of illustration. The judicial power in the United States, like every other, is the creature of the supreme authority—the people. Hence the people by a like legal fiction to that referred to above, are always supposed to be present in court, and criminal actions are brought in the name of the people—the State. Upon this principle, the people have an inalienable right to be present during the progress of all the trials, civil and criminal, the courts before the court, subject only to such regulations as may be necessary for the personal convenience of the officers of the court. By the people, no master law he may be chosen to officiate the judge is authorized to do certain things. Beside this, he is invested with certain discretionary power to enforce the orders of the court and to maintain the administration of the law. Attempts have been made to extend the doctrine of contempt beyond the purview of the court itself; but aside from the discharge of its duty, no such constructive power will be recognized by the people. In this country, courts have only to discharge their duties impartially, and with a proper regard to the ends of public justice, to enjoy perfect immunity from contempt.

It has been contended that, because a judge has authority to do certain things, he has also power to do others, amongst which is that of excluding witnesses and representatives of the press from the court, to effect certain ends. This is a style of argument that we do not necessarily desire to; and nothing can be more dangerous to public liberty than such a principle, however small may be the first practical development of its insidious presence in any of the departments of government. The judge, for instance, is required, in the performance of his duty, to see that an oath is ad-

ministered to some witnesses who come before him. Others choose to affirm.—In no case can he impinge on arbitrary opinion, that the ends of justice require every man to be sworn, and, accordingly, exact obedience to his will in this respect. Again, suppose by law that the formal oath was abolished in the State of Maryland, on judge would presume to impose it, because he considered it essential to the elicitation of truth. Upon the same ground we put the civil right of an individual.—And, when a man has responded to the summons of the court, and is present there the judge makes an issue with the people from whom he derives his authority by excluding him from the court-room on the presumption of some corrupt purpose in his heart. As a citizen he has a right to be present there, & a witness he has not lost that right.—And the principal upon which it is temporally suspended conflicts with the principles of law applied to the prisoner himself. The witness having given his affidavit for his appearance, retains all his other civil rights, and the judge has no more authority to exclude the witness from the court-room than he has to exclude the prisoner, or any other person, unless specially invested with it.

We sometimes meet with still more serious about the sanctity of the Bench, its sacred associations, and a prevailing disposition to break down the "sentinels" of public justice. This is the moonshine traitors abhor. The impartial and inflexible administration of the law is indispensable to the public safety, and the people know it. They will never be disposed to bring the institution of the judiciary into contempt. It is not with the people that the degradation of the court will originate—Those who go into the "halls of justice" know well that it is *there*, within the wall, under the very eye, and within the official proceedings of our courts themselves that the origin of the evil is to be found. Weak and wavering men upon the bench, unprincipled men at the bar, pliant officers of the court, flexible conscienties in the jury box—these are the instrumentalities of judicial degradation and abuse. It is those that have bronzed the front of riot with audacity—it is these that have accredited defalcation and forgery, and decorated the villain with the credentials of innocence. It is by such agencies as these that the murderer is suffered to escape the highest penalty for his offence, and to stalk abroad in utter scorn of the laws of man, the social compact, and the retrospective justice of God.

With all the compliments that have been paid to it, this is a very calculating age. If a gentleman should fall in love with an angel, before he proposed, he would enquire for how much her wings would sell. And if the price met his views, he would woo her, and then after marriage, convert her golden harp and rosy wings into bank stock. Yes, he would, and the world would compliment him for his prudence. Everything is money-made, men, women and children. Shouldn't we wonder if the spheres refused to make music any longer without pay; or if the old moon were to rebel and strike for higher wages than mere poetic homage.

Was Paul inclined to politics? we ask of Mrs. Parlington, as we saw the old dame reading a "grand rally" handbill at the corner of the grocery store. She asked us to wait a moment till she digested her specs. "Inclined to politics?" said she, and her eyes rested upon the period at the end of the last line, till she seemed to be meditating a full stop. "He was, but he wasn't propagandist nor an oily garrist or an avocationist nor a domineering as some of 'em are; all he wanted was an excuse of his suffering and the use of his elective French eyes, he used to say, Ah, heaven rest him!" exclaimed she, as her eyes rose from the period at the bottom of the bill and rested on the top of the fence. "But did he never get an office, Mrs. P.?" we asked. "Yes," replied she, and we fancied the tone of her voice had an expression of triumph enough to be perceptible, like three drops of paragon in a teaspoonful of water—yes, he was put out year for a hog-roast and got neglected." As we were about asking her opinion of the new Constitution, Ike came along whispering, "Jordan" and swinging a pint of milk in a tin pail, around his head, and the old lady forgot her politics in her solicitude about Ike's sailing his new ship.

DR. R. F. HIBBARD'S Wild Cherry Bitters. (14 years old.)

"THE taste is agreeable that the bark of the wild cherry, when chewed to gray, all can partake freely without pain or disgust." A potent corrective of the ill effects of the common cold, rheumatism, &c., and a specific for the cure of the following diseases: Rheumatism, &c., with all their attendant aches and pains; Neuralgia, &c., with all their attendant fits; Epilepsy, &c., with all their attendant convulsions; &c., &c.

THE WONDERS OF THE WORLD DEVINE COMPOUND PITCH LOZENGES.

THIS pleasant and safe remedy for the cure of a certain class of Diseases incidental to the last heat in man.

The superiority of the above compound over all others lies in the fact that it contains the best class of soft extracts, and, in addition, the most delicate and refined essences of the finest quality. The lozenges are perfectly digestible, and are easily dissolved in the mouth.

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