ten became aroused and sought by a triumphant prosecution, to display all its distinguishing ability. Sometimes, too, it might occur that other counsel might be employed by those who imagined themselves aggrieved to aid the regular prosecutors in the trial, and thus an additional stimulant lent its powerful influence.

Mr. DONALDSON asked if he understood the gentleman from Worcester as saying that the Attorney General, or any of his deputies were in the habit of receiving fees?

Mr. DIRICKSON replied. Certainly not. He had not said so—nor did he believe the Attorney General or his deputies, ever had received fees for doing their duty as prosecutors. He had alluded solely to the other counsel, who might be retained to assist them.

He then continued his remarks by saying, that the persons accused not unfrequently, were suffering under the very extreme of poverty and want—that they were wholly unable to obtain the influence of able and eminent men, (unless the spirit of sympathy was awakened,) and that the counsel assigned for their defence by the court might be from among the youngest and least experienced of the bar. Under such circumstances, the odds were fearful indeed; and when it was remembered that degredations and infamy, and liberty—nay, life itself, might depend upon the issue, the highest dictates of humanity urged the adoption of every measure consistent with the ends of justice, by which the unfortunate might be rescued from so awful a peril. Entertaining such sentiments, he earnestly hoped the Convention would regard the amendment with favor, and cheerfully accord to the accused, the last appeal to that jury upon whose verdict, his all of reputation and happiness might depend.

Mr. JENIFER expressed his apprehension that gentlemen were permitting their feelings of humanity to outrun their discretion. So far as his experience went, he had never known any instance of a criminal being convicted, without full proof of his guilt, after every opportunity had been given him for his defence. He was not aware of the existance of any law, which precluded the counsel for the accused from having the closing appeal to the jury.

Mr. BRENT, of Baltimore city, said it was the practice in all the courts.

Mr. JENIFER replied that it might be the practice, but he knew of no positive rule to preclude the accused from the advantage. He thought the effect of the amendment now proposed would be to give an advantage to guilty criminals over honest men.

Mr. BRENT, of Baltimore city, thought the amendment a proper one, because it carried out the benign object of our laws. He considered, from his experience, that the closing speech to the jury added 33 per cent. to the chance of the verdict. The eagerness to obtain this advantage was evident from the constant wrangling at the bar, to see who shall open and conclude a case, even before the court, on a law point. It ought to be a main object of the State, that no man should be falsely convicted; and, for this purpose, every facility should be afforded the accused. It was often the practice to employ, as an assistant prosecutor, some young lawyer whose duty it was to open the case, and the weakest argument was always in the opening, and it is to that only that the counsel for the accused is permitted to reply. The evil of this practice he had felt both in Maryland, and in the courts of the District of Columbia. He gave some reasons to show that the State had now a sufficient right of challenge and that the right ought not to be extended. Innocent men had been convicted in Maryland, as well as in other places.

Mr. CHAMBERS wished to say a single word. He had filled the office of Prosecuting Attorney, and had tried as many cases as any gentleman here, in a long course of practice. During all that period, there were very few criminals tried in whose trials he did not take part. He had only risen to say, that in all his long experience, he had never known one solitary case in which, with the present advantages allowed an accused person, of an innocent man suffering from an unjust conviction. He had acquitted scores of men who were guilty, and he had known other gentlemen at the bar who had acquitted as many. If, with these facts before its eyes, the Convention think it necessary to provide further facilities for persons brought into Court for trial, so let it be.

Mr. DORSEY said, he also would State the result of his observation and experience. He had been Attorney General of the State of Maryland, before he had a seat on the Bench, and had been on the Bench twenty-five years, and he could reiterate all which had been said by the gentleman from Kent. He had never known but one case of improper conviction, and that was since he had been on the Bench. When Attorney General, he had always felt it his duty when the evidence of guilt was insufficient to warrant the conviction of the accused, to make such statement to the jury, and an acquittal always followed. There was one case in which an innocent man tried before him, was convicted, and he, without any application made to the court for the purpose, informed the counsel of the accused that if moved for, a new trial would be granted.

Mr. BRENT stated that the feelings of old practioners were less acute on this subject than those of younger men. He referred to the case of young Stewart, of Baltimore, tried for the murder of his father, and after doubt and hesitation on the part of the jury, was convicted of murder in the second degree. The young man had since died, calmly protesting his innocence; and facts which have subsequently come out, have attested the truth of that confession.

Messrs. MAGRAW and DIRICKSON asked the yeas and nays on the amendment, which were ordered, and being taken, resulted as follows:

Affirmative—Messrs. Morgan, Hopewell, Buchanan, Bell, Welch, Chandler, Ridgely, Dashiell, Chambers of Cecil, Miller, Spencer, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, John