work of the guillotine, as if to excite us to some horror of the system we proposed.

The argument, if true, would not apply to the judges more than to the Legislature. It was to the Assembly in France, that the law of the revoltionary tribunals owed its terrible atrocity—as it was in the English Parliament, prior to the time of Romilly, that the sanguinary code of their penal law was owing. Our own Legislature, were it equally misguided, or equally unrertrained, could go as far astray. The fault was not in the election system—else such instances would forever turn men aside from republican institutions, but in the *materials* upon which the elective franchise operated.

Besides, were there argument in such illustrations, others might be adduced which have marked the history of a graver people, not in the sudden heat and violence of war, but in times of comparative tranquility and peace. Let any man examine the English State mails—all things considered, they present a record of extraordinary accuracy of all trials of great interest from that of Lord Bacon, down to the trial of Horne Fooke and his coadjutors.

These judges were not always independent, it is true, but they were not subservient to that popular prejudice which it is supposed would influence the course of those who own their election to a popular choice. Were they the better for this isolation? The early political trials of England are but the formal preliminaries to a certain and bloody end of the accused. It is useless to speak of the excesses of the revolutionary tribunals in France, when we remember Jeffrey, and the terrible "campaign" which the King's judges made, and more than once in the reign of the Steuarts in the north of England and in Scotland. These latter murders were more deliberate—were done in the presence of a more orderly court—with more matured ceremony—but they were not the less murders.

If it is necessary to come to a later period, for instances of abuses under other systems than those which are elective, let gentlemen read the trial of Queen Caroline. The prosecuting officers of the Crown—the King's advisers—were not elected—but were they free from bias? It is as possible to attain an independent station by political subserviency, as by other means; and the independence and purity of such men when in office are not of great value.

It is useless, however, to base arguments upon such instances. The appointment of a King does not make a Judge corrupt—witness Sir Matthew Hale; nor incorruptible—witness Lords Bacon and Macclesfield. The true security is the integrity of the man. The guaranty of this integrity is the public sense of merit, and the public supervision, which all exercise over judicial conduct. And this is a better guaranty than the character of the judge only, because to this element is superadded a responsibility, which has always exercised a wholesome influence upon the conduct of public officers.

Mr. DONALDSON made some further remarks which will be published hereafter.

Mr. RICAUD, (President *pro tem.*,) stated that under the rules of the Convention, any member who had spoken once for thirty minutes, would be thereby precluded from occupying the floor a second time. He could not speak more than twice without the permission of the Convention.

Mr. DORSEY desired but to call the attention of the House to a single fact. The gentleman from Baltimore, (Mr. Gwinn,) whilst the Convention were engaged in the discussion of the question whether the judiciary ought to be independent; the negative of which proposition he appeared to advocate, had referred us to the corruption of judges in the time of Queen Elizabeth. This reference could not sustain the argument of him who used it; it proved the converse of his proposition; as at that time the judges in England were dependant on the will of their sovereign for their commissions.

After a few words by Mr. GWINN,

Mr. DORSEY. The great and important question was, whether judges who were not independent would be faithful in the discharge of their duties; and I understood the gentleman from Baltimore, when he spoke of the corrupt conduct of Jeffries and others, to cite them as independent judges who had been corrupted. How did that apply in this case? He had been arguing that an independent judiciary is indispensable to the pure administration of public justice; Jeffries and others alluded to were not independent. When the judges are independent, whether appointed by the Governor, the people, or the Legislature, no such corruptions have ever occurred, so far as my recollection extends.

After a few words by Mr. GWINN,

Mr. DORSEY. I have no particular prejudice in favor of officers appointed by the crown or any body else. All I have to say is, that high judicial officers appointed in any way ought to be independent. This is the first time I have heard it ever intimated, that the Attorney General in England was independent of the Crown.

Mr. GWINN. I did not make it.

Mr. DORSEY. I do not know what object the gentleman had in alluding to this case, unless he designed to intimate that it was a case in point regarding our independent officers. Whatever corrupt conduct he may have been guilty of, it has nothing to do with the case of an officer independent of the power by which he is appointed.

I recollect that the other day, in the discussion, I understood the gentleman from Baltimore city, [Mr. Gwinn,] to attempt to show my inconsistency in voting to give Baltimore six delegates, when the population, at the time, was only 26,514, and the ratio 5000. I, at the time, enquired of the gentleman, whether 26,514 was the population of Baltimore at the last preceding census, or at the time my vote complained of, was given. He replied, when the vote was given, I took the average of the population, and found it to be 26,514. Now, in this the gentleman was wholly mistaken. 26,514 was the population in 1800, seven years before my alleged inconsistent vote; and three years afterwards, the census of 1810