tied into effect. The chamber of commerce of Paris, in concert with those of the principal cities of France, has resolved to send a deputation of three of its most distinguished members to Buonaparte at Brussels, to solicit a repeal of this arrete. Citizen Du Pont de Nemours has been appointed chief of the deputation."

Extract of a letter from a gentleman in Alexandria to his friend in Philadelphia.

"Whether the fever which now prevails in our city is the yellow fever or not, is as uncertain as it is immaterial, as very few of those who are seized with it escape death.

"It commenced on the square southward of Prince-street, and eastward of Water-street. The disease was supposed by many to have originated from a brick kiln on the south end of the square. The kiln was covered with putrid oysters, several craft loads of which had been bought by the brick-makers for the purpose of making lime of the shells. During the burning of the kiln the wind blew from the south and was extremely offensive. All those who were first attacked, resided on that part of the square which lies immediately northward of the kiln."

An official letter received from London, by the late arrivals, states, that none of the ports of Holland or France had been declared in a state of blockade. The commerce of those places is therefore free for neutral ships. The Elbe and Weser are still under blockade.

Accounts from Rotterdam, to the 6th August, state that little business is transacted in colonial produce, the holders being averse to sell; gin had advanced a little. [*Boston Gaz.*]

A treaty of offensive and defensive alliance has been concluded between the French, Dutch, and Italian republics, and ratified by the chief consul at Brussels.—The king of Spain has been invited to accede to it.

Annapolis, September 29.

To the People of Maryland.

THE period is approaching when you will be called on to exercise a most important right, that of electing, by your suffrages, delegates to represent you in the general assembly of the state. It is at all times a duty indispensably incumbent on every good citizen to be cautious and circumspect in the choice of his representatives; it will be peculiarly so at the ensuing election, as great and important changes are contemplated, not only in the constitution and form of government, but in the laws and fundamental regulations of the state.

The general assembly, at their last session, passed an act to alter, change and abolish, such parts of the constitution and form of government as relate to the establishing a general court and court of appeals. If this act shall be confirmed by the legislature at the next session, it will become a part of the constitution, and afterwards it can only be altered or repealed in the manner prescribed by that instrument, by the concurrence of two successive legislatures. Under a solemn conviction of the mischiefs and inconveniencies which will be experienced by you in the event of the adoption of this change, I am induced to offer my sentiments for the cool and dispassionate consideration of my fellow-citizens. I have no motive in thus addressing you, but that which proceeds from a desire to contribute to the general welfare of the community, which I consider as inseparably connected with the preservation of an upright and independent judiciary. The present judiciary system as established in this state, appears to me to be well calculated to insure and perpetuate an impartial administration of justice, and to be the best and most eligible plan which the wisdom of man, in the present circumstances of the state, can devise.

By the act of the last session, it is proposed to abolish the general court, and to confine the trial of all matters of fact to the county courts. I have ever considered the trial of matters of fact in the general court, where juries are selected from the state at large, as a great security to the lives, liberty and property, of the people. If the inestimable trial by jury deserves to be preferred above all others, it is certainly desirable to enjoy it in its utmost purity. It is desirable, that in the trial of right, every obstacle to a thorough investigation of truth should be removed. Jurors should be indifferent; there ought to be no suspicion of bias or partiality among them: in short, they ought to be *above all exception*. The trial by jury in the general court combines all these advantages. The jurors are, in general, strangers to the parties interested, and therefore must be presumed to be impartial and indifferent.

If all trials of fact should be confined to the county courts, the advantages which have been mentioned, and which are essential in order to a fair and impartial trial, are not to be expected. Rational and candid men must admit, that jurors coming from the neighbourhood of the parties concerned will be apt to intermix their prejudices and partialities in trials between their neighbours and acquaintances. Those who have been in the habit of attending our courts must have witnessed innumerable instances which prove the justice of these remarks. The frailty of human nature is such, that in trials in the counties, where the jury may be composed of men who reside in the vicinity of the parties litigant, and who may have frequently heard the dispute discussed in private circles, it is not to be expected that they will always be free from those prejudices and partialities which are too apt to intrude imperceptibly on the mind.

Another desideratum is, that the contending parties, after their causes have been decided, should be satisfied that there has been a thorough investigation of the truth; that a full and fair trial has been had; and that a just and proper decision has been made between them. A conviction that such has been the result, attaches them to the government, and inspires a confidence in the constituted authorities. To insure this state of things, all suspicion of partiality must be removed. Trials in the general court must have a tendency to produce this effect. It cannot be expected, for the reasons assigned, from decisions in the county courts.

Other advantages attending trials in the general court obviously present themselves. The judges being few in number, and selected from the most able of those who are learned in the law, must be men of the first ability and integrity; and the suitors can always have a choice of able and experienced counsel, who are not always to be found at the county courts. In the trial of an intricate cause, many points may exist which may not occur to young practitioners, whatever may be their talents; and if omitted to be made, a decision contrary to law may take place, and the property in dispute be irretrievably lost. There is no appeal from the verdict of a jury, and if the cause should be removed by writ of error, the judges in the superior court cannot travel out of the record, but will be confined, in their decision, to the points which appear to have been made in the court below.

The general court has been the seminary which has reared the ablest lawyers and statesmen who have ever adorned the state. It must tend greatly to the advantage of any community to have a choice of men of talents and eminence to whom they can confide the arduous affairs of government. They are not only useful, but absolutely necessary, in all countries. Since we became an independent nation, and established the general government, no well informed man will say, that there has not been a scarcity of such characters. There is a necessity for augmenting the number, and that necessity must continue to increase from the nature and structure of our general and state governments. If you abolish the general court, you destroy an establishment, which, more than any other, has excited our young men to eminence and literary acquirements. Among the many advantages growing out of the general court, I do not consider as the least, the improvements in society which are attained by the regular periodical meetings of a number of respectable characters from all the different counties of the state. These meetings afford an opportunity for a free communication of sentiments and opinions on all the various subjects which may affect the interests of the people, whether public or private.

The present system certainly has the sanction of experience. It has existed, with a short interruption, for more than a century. In the year 1766, a law was passed for the trial of all matters of fact in the counties where they arose. It was limitted in its duration to three years, and after a trial of its merits, it was suffered to expire without even an effort, (as I am informed,) to revive it. It would be prudent in us to profit by experience, and to refuse to abolish a system, which, for more than a hundred years, has protected us in the full enjoyment of all our rights and privileges, and introduce in its stead that which is projected, and from which those beneficial effects cannot rationally be expected.

To these objections to the proposed alteration of the constitution, another may be added, which, of itself, ought to defeat the measure. With me it is insuperable. By the constitution, as now established, it is wisely provided, that the judges of the superior courts shall hold their commissions *during good behaviour*. By the proposed alteration, if it should be confirmed, the tenure during good behaviour will be destroyed. This construction has been denied by some, but it is admitted by all to be at least doubtful. To admit that it depends on *construction*, would be sufficient for my purpose, if I was not convinced that it will be annihilated by the proposed alteration. Because, as long as it shall depend upon construction, our situation will be as deplorable as if it was admitted to be *during pleasure*. Every man will maintain his own construction, and the legislature will adopt that which shall be most favourable to the views and opinions of the predominant party. Thus the judges of the court of appeals would be liable to be removed at the will of the legislature. It is presumed that it was not even intended that the district judges should hold their commissions during good behaviour. The tenure during good behaviour ought not to be left to depend upon *construction*, it should be provided and established by a distinct article.

I affirm that the tenure during good behaviour will be destroyed by the proposed alteration, if adopted. In justice to the friends of the bill, I must admit that I do not believe that it was their intention to destroy it; but that it will be destroyed I cannot entertain a doubt. By the 4th section of the proposed act it is declared, "that all and every part of the constitution and form of government that relates to the court of appeals, or the general court, or to the judges thereof, or that is in any manner contrary to, or inconsistent with, the provisions of this act, be, and are hereby declared to be, repealed and abolished on the confirmation hereof." When the words of a law are clear and explicit, it is unnecessary to resort to the rules of construction to form a correct judgment. It must be evident to every man of common sense, that, by this section, every part of the constitution which relates *to the court of appeals*, or *the general court*, or *to the judges thereof*, or that is *contrary to, or inconsistent with, the provisions of the proposed act*, is abolished. It cannot, it will not be contended, that the section in the constitution, as now established, which provides that the judges of the court of appeals and of the general court shall hold their commissions during good behaviour, *does not relate to the judges*. If it does relate to the judges, it is expressly abolished. If the 4th section of the act proposed had provided, "that every thing in the constitution, as now established, which relates to the court of appeals, or the general court, or to the judges thereof, *and* which is contrary to, or inconsistent with, the provisions of this act, shall be abolished," then it would have been doubtful whether the tenure during good behaviour would be destroyed. The question of the tenure would then have depended on the construction of the words "contrary to, or inconsistent with." But as the section now stands, every thing which relates to those courts, or to the judges thereof, as well as every thing which is contrary to, or inconsistent with, the provisions of the act, is repealed and abolished.

The tenure during good behaviour, in all well regulated governments, is deemed essential to the independence of the judiciary. It is conceived to be unnecessary to advance arguments in support of a principle so universally admitted. The people of Maryland have emphatically expressed their sense on the subject. In the declaration of rights, they have declared, "that the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; *wherefore* the chancellor, and all judges, ought to hold commissions during good behaviour." The people of America have, in the most solemn manner, as often as the question has been submitted to their consideration, expressed their approbation of the utility and necessity of the provision, that judges ought to hold their commissions during good behaviour. In THE DECLARATION OF INDEPENDENCE, which released them from the yoke of Great Britain, and ranked them among the nations of the earth, the sentiment is declared. In that solemn act it is enumerated, as one among the many complaints which the American people made against the king, that "he has made judges dependent on his will alone for the tenure of their offices." Again, in the constitution of the general government, it is provided that "the judges both of the superior and inferior courts shall hold their offices during good behaviour." I will only add, that I hope and trust that the same sentiment will prevail in the United States until time shall be no more.

It may be objected to the proposed system, that it will be much more expensive than the present. Although in the forming a complete judiciary system, the difference of a few pounds ought not to have weight, yet in a republican government a necessary attention to economy ought not to be disregarded. The plan proposed ought evidently to be entitled to a preference to justify such an increase of expence. The annual salaries of the judges, allowing to the judges of the court of appeals the same salaries which are now allowed to the judges of the general court, and to the district judges the same salaries which they now receive, will exceed the present salaries sixteen hundred dollars annually. Exclusive of this excess, the increase of the county charges must be very great. In many counties, at this time, they are thought to be very high; but what will be their increase if all the business which is now transacted in the general court shall be done in the county courts? It may be remarked, that this is the only direct tax which the people now pay, and it must be discharged in money, or by labour in repairing the public roads.

Another objection occurs. The proposed alteration, if adopted, will place the debtors of the state too much within the power of the creditors. In almost all communities, the former class of people are the most numerous, and in that class there are always to be found many who are among the most useful. The delays which are now authorised by our courts are as frequently as beneficial to the creditor as they are advantageous to the debtor. Many debts have been secured to the creditor by writs of error, which without them, would have been lost; and by the same process many worthy and respectable families have been saved from ruin.

It has been objected by some to the present system that the trial of suits in the general court is protracted, and that the attendance of jurors and witnesses from the distant counties is inconvenient and burthensome. To this it may be replied, that with respect to jurors, there never has been a complaint that the attendance at the general court is considered a grievance or burthensome. On the contrary, it is a fact well known, that proper characters may always be found who are not only willing, but anxious to attend. It must be admitted, that there are instances where it may bear hard on witnesses of a particular description, such as the aged and infirm, or those who are obliged to labour for a livelihood. But it may be asked, Will these inconveniencies be removed by the proposed alteration? I answer confidently that they will not. Will the business of the court be transacted with more ability and dispatch by the district judges than by the judges of the general court? Let those determine, who, from their long acquaintance with the proceedings of our courts, are best able to judge correctly. Will it not be equally inconvenient to the aged and infirm to attend one court or the other? And will not the inconvenience to the labouring part of the community be the same, as they will be more frequently called on to obey a summons from one county to another? A few judicious regulations, in modification of the present system, would effect more towards removing the inconvenien