

*local* office, and not of general interest to the State. The reason assigned for that opinion, cannot be applied to the case under consideration, so far, at least, as Judges of the Court of Appeals claim to hold seats in this Convention, because neither office held or claimed by them *is local*.

But the undersigned is authorised by a very distinguished jurist of our State, to say, that the opinion of even the celebrated Pinkney, the greatest jurist of his day, was not considered by the legal profession at the time, as satisfactory, nor was it acquiesced in.

It now becomes the duty of the undersigned to refer to those considerations of public policy, upon which are founded these articles of the Bill of Rights, and in applying those considerations to Judges, now on the floor of this Convention, the undersigned begs leave distinctly to state, that he intends no personal disrespect to those gentlemen—doubtless their motives in coming here, are as pure and patriotic as their talents are distinguished in the annals of jurisprudence, but looking to great principles which are founded on the wisdom of ages, and regardless even of men in high places, the undersigned will feel warranted in speaking of the public relation in which these gentlemen now stand, and in discussing that relation in all its bearings.

In so doing, the undersigned hopes that no gentleman will regard the argument as personal to the Judges. But on the contrary, as exclusively directed to their public position and official character.

No one can dispute that the machinery of the old constitution is still in operation, and there is as much necessity now, as ever there was, for all the Judges to remain at their posts in the discharge of their judicial functions. The presence of Judges in this Convention must necessarily arrest and delay the wheels of justice to a great extent in their respective courts, and may possibly lead to a suspension of public business in the court of Appeals. There can be no more reason why the Judges should leave the bench to deliberate here, than there would be for them to enter the halls of ordinary legislation, for the purpose of legislative reform.

If the object of the Bill of Rights was to consecrate Judges to singleness of duty, it is manifestly frustrated by their acting as delegates to this Convention. In proportion as they are faithful to their duties here, must they abandon their duties elsewhere,—nor have the whole people required any Judge to come here. A portion of the people of two counties have sent, as delegates, persons holding high judicial commissions; but what right has one county to absolve a Judge from his duties to a whole Judicial District, or his higher duties, to the whole State in the Court of Appeals?

If the framers of the Bill of Rights, designed to retain Judges in a position wholly free from all participation in matters that