

Mr. SPENCER remarked, that he was not disposed to delay the action of the body, but to put himself right upon the record, so that the people might judge whether the gentleman from Cecil or himself, had mistaken the facts.

Mr. BOWIE suggested, that the amendment be modified to read, "whose compensation and mode of payment," instead of "for whose services such compensation," remarking that there might be a contingent fund on hand.

Mr. DIRICKSON accepted the modification.

Mr. DORSEY suggested, that the word "direct" be substituted for the word "allow."

Mr. DIRICKSON accepted the modification.

The question was then taken upon the amendment as modified, and

It was agreed to.

Ayes 34. noes 26.

The question then recurred upon the adoption of the section as amended.

Mr. FITZPATRICK called for the yeas and nays.

Which were ordered, and

Being taken, resulted as follows:

*Affirmative*—Messrs. Buchanan, President *pro tem.*, Lee, Chambers of Kent, Donaldson, Dorsey, Sellman, Brent of Charles, Merrick, Jenifer, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood of Talbot, Dashiell, Chambers of Cecil, McCullough, Miller, McLane, Bowie, Wright, Dirickson, McMaster, Sappington, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Stewart of Baltimore city, Sherwood of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Cockey—46.

*Negative*—Messrs. Morgan, Wells, Kent, Weems, Crisfield, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Shriver, Brent of Baltimore city, Kilgour, Brewer, Waters and Shower—17.

So the first section as amended was adopted.

Mr. HISEN, when his name was called on the yeas and nays just taken, assigned as a reason for not voting, that he had paired off with Mr. DAVIS, from Montgomery, until the arrival of the cars this morning.

Mr. SPENCER, when his name was called on the yeas and nays, assigned as a reason for not voting, that he had paired off with Mr. BOWLING, from Prince George's county.

Mr. MERRICK said:

That he had not heard the amendment read distinctly. He had learned that the word "thereafter," was in the latter clause, instead of the word "hereafter," as he had understood it. It was his object and desire to leave with the Legislature the power to regulate the mode in which the Governor should, thereafter, compensate counsel to be employed by him to vindicate and maintain the interests of the people in any controversy that might arise; and the word "hereafter" would make the section correspond with his views. But the word "thereafter" would make it obligatory upon the Legislature, for each specific services, after it would have been performed, to fix the compensation and mode of payment. It would be exceedingly inconvenient in principle, and he feared it would be destructive to

the object, by preventing the employment of eminent men. He would suggest, therefore, that by general consent, the word "thereafter" should be stricken out, and the word "hereafter" inserted, so as to leave it for the Legislature to fix the mode, manner and measure of compensation, instead of requiring the Governor to employ his counsel, and after the service should have been performed, to leave it to the Legislature, at its next meeting, two years afterwards perhaps, to consider the value of the services and the amount of compensation to be given. He feared the section, as it stood, would preclude the employment of the best counsel, which ought always to be at the command of the Governor. He would ask the unanimous consent of the Convention to allow the word to be changed.

Mr. DIRICKSON remarked that the gentleman was perfectly right in his construction of the amendment; for that was the very object which he had designed to accomplish by inserting the word "thereafter" in that place. He wished the Legislature solely, as the guardians of the public fund, to pay for all services hereafter rendered to the State, only after a strict examination, in which it should appear that they were worth payment, and to fix the amount and mode of payment. There could be no difficulty about obtaining counsel. The State of Maryland, as the annuals would show, had ever been a generous client, and she had not a son who would not always rely upon her generosity when his services were required as counsel. He should, therefore, object to the change proposed.

Mr. MERRICK said that it was now manifest that the views of the gentleman from Worcester were different from his own; and to obtain the sense of the Convention upon the question, he would move a reconsideration of the vote adopting that amendment, in order to enable him to move to strike out the word "thereafter" and to insert in place thereof "hereafter." It was very certain that eminent counsel rarely consented to be engaged in the trial of a case, unless some stipulation was made beforehand as to the amount of compensation to be received. They would not like to depart from their rule, and unless the power should be vested somewhere to fix beforehand the amount of compensation, the State would be deprived of the services of eminent men. He expressed the hope that the Convention would not so fetter the Legislature as to deny them the privilege of making an agreement beforehand, so that the compensation should be fixed in advance, which should be paid to such counsel as the interests of the State should require.

Mr. DORSEY was opposed to the reconsideration moved by the member from Charles. His idea was that there was no such ground for apprehension as that gentleman supposed. On the contrary, if this amendment should be adopted, there might be very serious grounds of apprehension. Few gentlemen would be willing to accept the compensation allowed, with the contingency that the services to be rendered might be much greater than was expected. After the services were rendered, the Legislature would