

With the view of giving him time to prepare an amendment to meet the views he had presented, he would move that the first section be informally passed over. The other sections were disconnected from it, and could be perfected, without reference to this first section.

Mr. SHRIVER was desirous of having the sense of the Convention on this subject, as it would decide whether a majority were in favor of the creation of the office of Attorney General, or whether they were opposed to it. To his mind, it was very clear that the office was entirely useless and unnecessary.

Mr. CRISFIELD said that he desired that the Attorney General should be an officer who should receive a salary. If the Legislature should think, upon the performance of any unusual service, that he should receive additional compensation, they could give it to him.

He would not allow the Governor to employ as many counsel as he might think fit, nor would he allow him to give them such compensation as he might deem proper.

With a view to move such an amendment, and to allow him time to prepare it, he had submitted his motion to pass over this section informally. If the Convention was opposed to having such an officer, and opposed to the views he had expressed, it could signify its opinion by refusing to agree to his motion.

Mr. McLANE suggested to Mr. CRISFIELD that he could move his amendment when the second section should come up for consideration, and stated that he should vote against continuing the office of Attorney General.

Mr. SHRIVER thought that the office, if created, should be provided for in the first section, and its duties defined and salary fixed. The question of the creation of the office would arise, and he wished to have it disposed of, as a test question, on the first section.

Mr. BOWIE concurred with the gentleman from Somerset that there should be such an officer as Attorney General, and thought that the Convention ought to provide for the appointment of such an officer. The idea of giving to the Governor the right to employ as many counsel as he pleased, to prosecute in the courts in and out of the State, in any cause in which the State was concerned, was conferring on him too much power.

There should be but one officer, and although he was opposed to having an officer for life or during good behaviour, he did not see the least inconvenience or impropriety in allowing every Governor to appoint his own Attorney General. This would create rotation in office, which seemed to suit the people and the republican notions of the present age.

He was opposed to permitting the Attorney General to appoint deputies in the different counties, which he thought might be done by the tax and levy courts. He thought this would produce a wholesome result, although he had no objection to electing the deputies by the people.

He did not regard the situation of Prosecuting

Attorney as an office, but looked upon the person holding it, as a professional gentleman, practicing his profession for the State, and would give him no more fees than now allowed by law. As to electing these officers by the people, he saw no necessity for so doing; though he had no insuperable objection to such a course, as he went very generally for electing all officers by the people.

If he thought, however, that these were really offices which the people desired to fill, he would be in favor of electing by the people.

He was of the opinion that the Governor had better appoint the Attorney General, and that it would be proper for each county to take care of its own officers, by appointing competent persons who could attend to the interests of the State.

Mr. DIRICKSON said that he was willing to vote for the motion to pass this section over informally as a matter of courtesy to the gentleman who made the motion; but if it was meant as a test question as to whether there should be an Attorney General or not, he would vote against it.

Mr. CRISFIELD said that he would not consider it unkind if the gentleman should vote against his motion. He certainly desired that an amendment such as he had indicated, should be brought before the Convention, but he had not the time to prepare it now. He preferred it to the one indicated in the bill. He could see no evil in passing over the section informally, unless the majority had determined to adopt the particular scheme contained in it, in which event they could just as well vote upon it now as at any other time.

The question was then taken on the motion of Mr. CRISFIELD, to pass over the first section informally, when on a division of the Convention no quorum voted.

Mr. GWINN asked the yeas and nays,

Which were ordered,

And being taken were as follows:

*Affirmative*—Messrs. Morgan, Lee, Chambers of Kent, Donaldson, Wells, Weems, Brent of Charles, Jenifer, Crisfield, Dashiell, Hicks, Hodson, Eccleston, Phelps, Bowie, McMaster, Fooks, Sherwood of Baltimore city, Prestman, Weber, Hollyday, Slicer and Smith—24.

*Negative*—Messrs. Buchanan, President, *pro tem.*, Dorsey, Welch, Dickinson, Sherwood of Talbot, Miller, McLane, George, Wright, Dirickson, Shriver, McHenry, Magraw, Nelson, Carter, Harcastle, Gwinn, Brent of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Fitzpatrick, Parke, Shower and Cockey—29.

So the motion was not agreed to.

The question now being on agreeing to the first section,

Mr. McHENRY moved to amend said section, by inserting after the word "State," the words "at such rates of compensation as the General Assembly may prescribe," and by striking out the words "and make suitable compensation from the contingent fund placed at his disposal."