

Mr. McH. remarked that he was unwilling to give the Governor any such discretionary power as was proposed in the bill. It seemed to him that the past practice of the General Assembly, in entrusting to the Governor a contingent fund of considerable amount and applicable at his pleasure, was at variance with the principles which had been cherished as fundamental in representative governments. Now, it was proposed to go further. It was proposed to authorize the Governor to make use of this fund in a manner such as would avoid all responsibility; for he might employ as many counsel as he pleased, and give them such compensation as he pleased, without answering to any one, and without being limited to the amount of the contingent fund in his hands any deficiency in which, under the provision of the bill as reported, the Legislature would be bound to make good. Such a power—so unrestricted and vague, violated that essential characteristic of all limited constitutional government, the absence of all control by the executive over the purses and property of the people.

He was opposed to giving the Governor the entire control of a contingent fund of any considerable amount, and much more averse to entrusting to any one individual, irresponsible power over the entire funds of the State. He desired that these should be most carefully guarded by the Constitution they were now framing.

Mr. DIRICKSON could not perceive how rates of compensation, as proposed by the gentleman's amendment, could be established.

Mr. McHENRY said, that he would modify his amendment so as to meet the acceptance of the gentleman.

He altered his amendment so as to strike out the words, "and make suitable compensation from the contingent fund placed at his disposal," and to insert in lieu thereof, the words:

"For whose services such compensation shall be made as the legislature may allow."

Mr. DIRICKSON said:

He had offered the substitute now under consideration, because he regarded the legislature as the appropriate and regularly constituted guardian of the public treasury, and he wished so far as possible to confide the payment of all money to their keeping exclusively.

They came at all times fresh from the bosom of the people, and must necessarily feel in an eminent degree, their direct and immediate responsibility. Whilst then by such an arrangement, the common fund would be safely preserved from unwise and improvident squandering—no one could doubt but that a body of Maryland gentlemen, of which the legislature would be composed, would always compensate those who had rendered the State a service with a generous and liberal hand. There was not within the limits of the Commonwealth, a jurist, however eminent, who would not willingly risk her justice—not a counsellor who would not trust her long established and well known character with entire and unlimited confidence.

The objection urged that by such an arrange-

ment there would necessarily be some delay in the payments, seemed of slight importance. All knew that the profession every where were compelled to wait with patience the reward of their studious labors and toilings, and a delay so inconsiderable as that which might occur during the interval between the legislative sessions, could not be urged successfully for an instant against the general propriety of the proposition. By the adoption of this substitute in addition to the considerations already advanced—the whole responsibility would be entirely removed from the hands of the Executive, and he would thus be relieved from a position frequently of the utmost delicacy. Necessarily a full statement of all the services rendered would be regularly forwarded to the legislature, and they, after a calm and deliberate inspection would, he doubted not, render the most equitable and liberal payment.

Any one who would give himself the trouble to examine the statement of the various sums which had been paid for the services of counsel during the past years, would feel with him, the necessity of some such provision as that which he had submitted, and with the most serious earnestness, he commended it to the favorable consideration of every member of the Convention.

Mr. PRESTMAN made some remarks, which will appear hereafter.

Mr. McHENRY said that his only reason for not accepting the modification of the gentleman from Worcester, (Mr. Dirickson) was, the lawyer, like any other workman, should know beforehand what amount he was going to receive for his services. By allowing the Legislature to prescribe rates, that object would be accomplished.

Mr. DIRICKSON desired to know if the gentleman could give to the Convention some idea as to how the rates could be prescribed for services hereafter to be rendered?

Mr. McHENRY replied that the Legislature could prescribe rates for certain kinds of services. Fees were fixed for other kinds of services; and he could not see why the fees of attorneys should not be fixed. Not being conversant with legal phrases, he was willing to substitute any other word for "rate." He was open to suggestion and conviction.

Mr. SHRIVER desired to say that the committee who prepared this report were unanimous in opinion. They desired that any wholesome amendment should be made. He would say that the principle of the abolition of the office of Attorney General, and the election by the people of Prosecuting Attorneys should not be lost sight of. The gentleman from Hartford had said that his objection grew out of his opposition to an unlimited contingent fund. There was no unlimited contingent fund, nor ever had been; for it had always been limited and fixed by the Legislature. For the last two years it had been twelve thousand dollars.

He objected to the amendment because it was impossible for the Legislature to fix any rate of compensation. No one could anticipate the