

amount of labor to be performed by counsel.—Such a course would be unjust, both to the State and the individual who rendered the service. He desired the responsibility to rest upon the head of one individual; he did not wish it to rest upon the entire body composing the Legislature of Maryland. Look at the past history of the legislation of the State, and it would be found that it never had fixed the compensation of attorneys. That responsibility had always been thrown upon the Governor. The Legislature when recognizing the existence of something being due, left it to the judgment of the Governor to make such compensation as he thought proper. The treasury was safer in the hands of the Governor than in the hands of the Legislature. If there was a necessity for the Legislature to reduce the contingent fund, let them do it, and then the Governor would be compelled to pay less compensation for the services of competent persons. By the vote just taken, refusing informally to pass over the first section, the Convention had determined that they would not have an Attorney General.

Mr. JENIFER, Mr. McMASTER and Mr. DONALDSON, severally disclaimed that in voting against the motion to pass over informally the first section, they voted against the creation of the office of Attorney General. They did not consider it a test question.

Mr. DORSEY said, he was in favor of the proposition of the gentleman from Worcester, (Mr. Dirickson.) He could not suppose that there would be any difficulty in getting counsel. As to the objection that some time would elapse before they could get paid, he did not suppose that would make much difference. There would be no kind of difficulty in getting the best counsel in the State. He disagreed, with the gentleman from Frederick, (Mr. Shriver.) The Legislature had heretofore fixed the value for professional services of their counsel, and they are perfectly competent to do so again. It is peculiarly proper that they should perform this duty. They hold the purse strings of the State; and avoiding extravagance, they will appropriate for this purpose what liberality and justice demand. Mr. D. in reply to the gentleman from Baltimore, (Mr. Gwinn,) then stated some facts in relation to the contract for the construction of the Annapolis and Elkridge railroad, and the difficulties to which it gave rise, which resulted in a reference of the case to Judge Legrand, by whose award it was decided. It being stated that the power of compensating for legal services ought not to be confided to the Legislature in consequence of its conduct in that case.

Mr. MAGRAW rose to a question of order, on the ground that this matter of Mr. McCullough was not relevant, and that as Mr. McCullough has a brother in the Convention, it was not proper to be commenting on the case here.

Mr. GWINN said, that he had first referred to this case. He regretted that it had been brought here again.

Mr. DORSEY was proceeding to reply, when

Mr. MAGRAW again raised the point of order. Mr. DORSEY resumed. The Legislature would have been recreant to their duty, if they had allowed one dollar of this claim which amounted to about forty-eight thousand dollars. At their last session the Legislature voted down the claim by a vote of almost two to one. The Convention ought to suffer this matter to rest with the Legislature. He should think the Governor would be well satisfied that the control of this subject should be out of his hands. The Legislature is the appropriate tribunal to fix the amount of compensation to be paid to the legal officers. There was no ground for the apprehension expressed that under such circumstances, no distinguished lawyer would consent to be employed in the service of the State. It was an unmerited reproach to the profession to say so. He believed no lawyer would refuse to act in any case for the State, because he might not be paid until his services were rendered and could thus be estimated.

He would be willing to trust to the liberality of his client, as is ordinarily done, unless their penuriousness be such that a previous contract as to compensation be deemed a necessary precaution. Such conduct in the State is not to be predicated. He was very sure no lawyer would have any hesitation in trusting such a client as the State of Maryland. If the power be left in the hands of the Governor it may be abused; extravagant fees may be given to incompetent favorites. Charges of such partiality the Governor should seek to avoid.

The appointing power as to counsel should generally rest, with the Governor when the necessity for its exercise arises, the Legislature being rarely in session. But as a general rule; as the payment of counsel must come from the pockets of the people, it is but reasonable that they should, through the Legislature, fix the amount of compensation, and if they deem it expedient, select the persons to be retained as counsel.

Mr. CHAMBERS did not mean to discuss the subject properly before the House, nor did he mean to say one word in defence of, or in opposition to, the claim of Mr. McCULLOUGH. He did not perceive how the justice or injustice of that claim could influence the proposition for the action of the Convention. He rose to say a word in vindication of those gentlemen who acted as arbitrators by the authority of the State. They were all his friends, and with one of them, particularly, he claimed relations of kind, social intercourse, which, in the absence of the two gentlemen from Queen Anne's, who were more intimately connected with him, made it proper to say a word in reply to what had fallen from his friend from Anne Arundel.

He was utterly at a loss to conceive, on what just grounds the claim of those arbitrators to remuneration could be resisted. The Legislature, by a deliberate resolution, without a word of previous consultation or arrangement with them, had appointed those gentlemen to act as referees upon a claim then pending before that body. In pursuance to this appointment, amounting to a request, these gentlemen had been occupied for many weeks in taking testimony and hearing ar-