

be enabled to judge what they were worth. It would be impracticable to fix before hand, the amount of compensation to be allowed. One case might be disposed of in an hour, and another like that of those persons connected with the bank of Maryland, might occupy two or three months. It might be expected that a case would last but a day, and yet it might last day after day for weeks and months. The Legislature, in such uncertainty, could not possibly decide beforehand, as to the amount of compensation proper to be paid. The true mode would be that proposed by the gentleman from Worcester, (Mr. Dirickson,) for the Legislature, when the services were rendered, to make the payment. Seeing the abuses which had heretofore existed, as it appeared from the exorbitant sums of money that had been paid, it was the place for the Legislature to fix the compensation, and to do it after the services had been rendered. The idea that no lawyer would accept, under such circumstances, seemed to him a reflection upon the bar, and wholly unwarranted. He had been associated with them for nearly fifty years, and felt perfectly satisfied that no one would hesitate a moment to accept a retainer by the State, rendering his services and then relying upon the Legislature for compensation. He did not believe a lawyer of eminence would hesitate a moment. If he did, he could not possess that liberal, patriotic professional feeling which he had always attributed to the bar in Maryland.

Mr. MERRICK was exceedingly sorry to find that the gentleman from Anne Arundel and himself differed upon this question. What would be the consequence of the adoption of the provision as it now stood? Economy in the expenditure of the public money was the favorite object of the Convention. But if every case in which counsel was employed should come up before the Legislature, consuming the time of the whole Legislature in the discussion of the question of the amount to be paid for the services rendered by the counsel in that particular case, what should and what should not be deemed an ample compensation—thousands of dollars would be expended in fixing a compensation of \$200 or \$500. Fifty times as much money would be expended in legislating upon the subject, as the whole service would cost. A week may be consumed. There may arise a controversy as to the amount to be given in a particular case. Facts must be inquired into; circumstances examined; the amount of delay, whether days, weeks or months, must be ascertained; and all these things must be brought before the Legislature to be approved, considered and weighed. Instead of saving, they were adopting a rule which would involve the State in endless discussions, costing thousands of dollars to fix a compensation of a few hundred dollars.

The Convention had assembled to fix an organic law; and that law could only be changed after adopted by the people, by another Convention. Into that law there was now to be incorporated a rule which would cost, no one could tell how much money. His own proposition was neither to fix the compensation, by an organic

law, before or after the services should be rendered; but to leave it to the future disposition of the Legislature of the State to decide whether in any case it should be fixed before they were rendered. The Legislature could assuredly be trusted to regulate the mode and manner and measure of compensation to be given to functionaries they were to employ to render services in emergencies hereafter to arise. He would leave it to the Legislature to determine according to the nature of the case, whether to fix the compensation beforehand or not; and whether to authorize the Governor to employ counsel with compensation not exceeding so much, reserving to themselves the right, should the service seem to require additional compensation, to add to the amount or not, as they should judge to be proper. Let the Legislature be free to decide the question, and let not one hundred and forty or one hundred and fifty men, at an expense of \$500 per day, or more, be compelled to examine every case individually, in consequence of this regulation in the organic law.

Mr. DORSEY was perfectly satisfied that the apprehension of this great expenditure of time and money, by the exercise of the power imposed upon the Legislature, existed only in the imagination. Practically the sum would be determined upon and settled by the Committee, without a word of discussion upon the part of the Legislature. It would be the duty of the committee to ascertain the facts, and their report would in ninety-nine cases out of a hundred be adopted without a word of discussion. It would be impossible for the Legislature to form beforehand, the shadow of an estimate as to the value of the services. After the Legislature had fixed the amount, if it would turn out that the labors were ten times as great as were anticipated, the question would be brought before the Legislature, and then ten times the discussion would take place upon that single case, which would have taken place if the compensation had been left to be decided after services were rendered. In the latter case, all that would be required would be the examination of the committee. They would fully examine the subject, and make their report, the appropriation would be passed, and there would be the end of it. But in the other case, after the contract had been made, and the service performed, the labor having been greater than was anticipated, the counsel would come before the Legislature again and again for remuneration. A controversy would then arise. One party would say that the contract had been made, and they would give no more than they had agreed to pay; and the other party, as in the case of Mr. Ritchie, which had so long occupied Congress, would say that as ten times the services had been rendered that were anticipated, the counsel should receive additional compensation. The Legislature would avoid this difficulty, if they were to decide only after the services had actually been rendered. A great waste of money would result from a contract to perform services wholly uncertain in their nature, and the result would be, that prudent coun-