

new. Had not the gentleman from Somerset, [Mr. Crisfield,] proposed to restrain him from receiving extra compensation, and to define his duties? Had he not in his amendment made it obligatory upon him, to attend to all cases in which the State might be interested, and that he should not receive one dollar of the public money beyond that prescribed by law as his salary?—How then can the argument of the gentleman from Cecil avail him, that although they should appoint an Attorney General, he would hereafter receive extra compensation? This had been done under past laws, and would continue to be done under the system advocated by that gentleman. It was the very evil which he, (Mr. M.) desired should be remedied in the Constitution we were now framing, by fixing the salary and cutting of all extras.

But, says the gentleman, he does not contemplate that the Legislature should pay these counsel for their services, as they have heretofore been paid. He says that the Legislature shall prescribe some rule or schedule of allowances by which these services shall be regulated. Now, can the Legislature ever know what are the services that are to be performed? Its members, perhaps, throwing aside the humanity of which they are common partakers, with their fellow-men, and investing themselves with the presence of Divine wisdom, or catching a ray of that future knowledge of things denied by obdurate man to an all knowing divinity, might have knowledge and information sufficient to prescribe a law to meet every case that might arise, but until such celestial knowledge is vouchsafed unto them, he looked upon all such expectations as entirely out of the question. A case for instance occurs in the State of New York, or any other State: to fix a fee for attention to such a case the Legislature should know before the case arises, how many days or weeks it would take to try, what trouble and investigation it would require before trial, whether it would be disposed of speedily upon the law, or whether by the evidence its continuation would be long, and its expense and labor in proportion to its length. This knowledge would necessarily be required, if the sum paid the attorney was in proportion to the services rendered—and this was the only criterion by which they could render any compensation at all. The Legislature, therefore, could not in the nature of things, know what amount to pay. In this point of view he looked upon the proposition of the gentleman from Cecil, as utterly out of the question.

Gentlemen had asked what were the duties of this officer? Had they listened to the able argument of his friend from Prince George's, (Mr. Bowie,) who had shown what were his duties both under the statute and the common law? He would not again repeat that argument. Under the statute law many and responsible duties were thrown upon him in reference to the revenue of the State, where, if competent and proper attention was not given, the State might seriously suffer. Charter privileges, corporations, your

internal improvement companies and insurance laws, more or less, throw additional duty and responsibility upon him. He has also been a common law officer in England from the days of Charles down to the present time; has been recognised as such, not only there, but in nearly all the States of this Union, both in their old and new Constitutions. In England he has exhibited all informations and prosecutions for the Crown in matters criminal, and in all cases touching the King's inheritance or revenue, his advice and professional aid is required. In this country he is the great conservator of the public peace, so that those who may outrage the laws of the society under which they live, may be brought to such punishment as the public morals and the dignity of the State may demand. In all questions affecting the property of the State, under its laws it is his duty to watch and protect her interest—to give his advice whenever required by the Executive of the State, at all times and upon all laws. These were some of the duties incident to the office of Attorney General, and he should hesitate a long time before he could be induced to part with an officer whose services the experience of every enlightened government had taught to be necessary.

He should vote against the amendment which abolished this office. Because it left the employment and pay of numberless attorneys at the discretion of the Executive or Legislature, instead of fixing it by law and giving the people some idea of what the expenditures of the State are. He looked upon it as sound public policy that the expenses of government should be ascertained and limited as far as the same can be by law, and not left to either the discretion or caprice of any public officer or agent. He should vote to retain the office because he believed the public interest required it, not only on the score of economy, but because the welfare and protection of society would be guaranteed to its members by having an officer whose duty it was to maintain and vindicate the laws that sustain it.

Mr. HOWARD. The question now before the Convention may be confined within a very narrow compass. It is on an amendment offered by the gentleman from Cecil, (Mr. McLane,) as to certain powers to be granted to the Legislature under the first section of this report. We have heard gentlemen after gentlemen, this morning, rising in rapid succession and presenting amendments and substitutes which were all out of order. And what is all this miscellaneous debate to end in? We can come to no conclusions as to the disposition of the matter before us. All this debate, instead of bringing us nearer to the point, only draws us away from the question. There appears to be an antagonistical principle at work which defeats all action on the part of this Convention. Is there to be an Attorney General? Gentlemen differ on that question. What are the duties of the office? Gentlemen differ as to that. Those of us—I rank myself with those who go for the amendment of the gentleman from Cecil—who are in favor of abolishing the office of Attorney General, may yet be inclined to vote