

if it were so, they had only done their duty, and exercised a power expressly reserved in the law for the appointment of arbitrators, who were, of course, apprised of it before they consented to act. He was prepared to give a history of the case, but he would only say, that in view of all the circumstances, the subject was discussed last session, and the claim of McCullough was rejected by a vote of nearly two to one in the House of Delegates. The chairman of the committee who had voted for the claim before, voted against it afterwards when the vote was forty-five to twenty-four against it. The clause of the Act of Assembly on which he had founded his opinion, that the Legislature was justified in refusing this claim of the arbitrators Mr. Dorsey here read. Under this law the Legislature were to determine whether they would pay or not. Believing, as he conscientiously did, that the State had not a shadow of interest in the matter, and that there was no claim on the State, he stated what he did. The State determined not to pay the arbitrators, because Mr. McCullough was bound to pay them. He thought, therefore, that from this case, the ground could not, with propriety, be taken, that it was right to refuse the power to the Legislature to fix the compensation for legal services.

He did not intend to make any remarks with reference to the Attorney General. He would give his vote for the report. The gentleman from Queen Anne's says we can get an Attorney General for \$1500. He, [Mr. D.] knew that for many years past, it had been the practice to make such appointments from political favorites, and thus it was that not always were men of the most distinguished talents selected. It is true, we have had Luther Martin, who conferred more honor on the office than he derived from it. We also have had Roger B. Taney, now Chief Justice of the Supreme Court of the United States. And Mr. Pinckney held the office temporarily, until another distinguished individual was competent to fill it. It comported with his conscience to hold it awhile, and it was given to him by the State, on account of his professional pre-eminence, and as an acknowledgment for great services which he had rendered the State, in obtaining a large claim which she had in Europe.

But if the appointment of an Attorney General is to be made now, as it has been for some years past, the State will need some additional counsel. The Attorney General will have to attend to all the business of the State on the Eastern Shore, and before the Supreme Court of the United States. He believed it would be found that the cases of the State before the United States Supreme Court, were never trusted entirely to the Attorney General. He recollected very well that when he was Attorney General, he felt very much gratified at the appointment of Roger B. Taney, to aid him in carrying on a case concerning the right to tax merchandize imported from foreign countries, before the hale was broke. It was so also, in the case of Mr. McCullough, in the Bank of United States.—Cases of this importance, and at this distance

from home, were never entrusted to the Attorney General alone. It was never contemplated that they should be. It was no part of the duty of the Attorney General, to travel all over the United States. If such a salary as is spoken of, were allowed him, it would not be expected that he would be required to represent the State in courts out of the State of Maryland, without additional compensation. The salary itself would be no adequate compensation.

The gentleman from Queen Anne's, thinks that upon the terms he has mentioned, the State can obtain very distinguished men. He, (Mr. D.) doubted if distinguished men could be obtained at any such a salary as the gentleman had named. A man who is competent to fill the office with credit to himself and advantage to the State, never would accept the office at the salary named. If there were only the ordinary duties, men might be found to take it, but not with all these extraordinary duties out of the State, in the performance of which, he would have to make great sacrifices.

He did not agree in the idea, that it was the duty of the Attorney General, as such, to take more care of the interests of the State, than could be expected of any other counsel to whom they may be committed. He had been nearly fifty years at the bar and on the bench, and he could say from his own personal knowledge, had never witnessed any deficiency in zeal or efforts on the part of counsel specially employed by the State. Other counsel will take just as much care of the interest of the State as the Attorney General. He takes the oath of office prescribed by the Constitution; but there is also another oath which no lawyer will violate, and which he takes when he becomes a member of the profession. And no man can be selected by the Governor who would not regard that oath as obligatory on his conduct, as would be the oath of the Attorney General.

He thought then, that there was no real necessity for the appointment of an Attorney General. In the cases which may arise in the counties, the Governor could look among the professional talent of the county or adjoining counties, and appoint counsel resident, as it were, on the spot, and he could do this for less compensation than the Attorney General would require, were he to discharge the duties.

If an important criminal case were to be tried and it was requisite that the State should have very able counsel, the Governor can obtain it, and will have the power to obtain it under this section. Counsel may be taken from among the distinguished men in Baltimore and elsewhere, and taken into the districts, if the Governor should think proper; although it would not be necessary, when in the district itself or its adjoining districts, distinguished counsel could be found fully competent to conduct the case. And these could be obtained at less expense than would be allowed to the Attorney General if he attended there. It had not been unusual when the Attorney General of the United States who has now a salary of \$6,000 a year, to be allowed ad-