

constitutional provisions which will relieve the legislature from applications of this sort.

The PRESIDENT. Does the gentleman understand this section to preclude the appointment of an assistant librarian? If I understood it so, I should vote against it.

Mr. CLARKE. Section eight of this very article provides that "the general assembly may provide by law for the election or appointment of such other officers as may be required and are not herein provided for, and prescribe their powers and duties, &c."

Mr. STIRLING. That shows the utter futility of this provision that we inserted; for the legislature may give the librarian sixteen assistants if they choose, and pay each of these assistants \$1,000. It only shows that if you undertake to make this convention a legislative body, and try to save members of the legislature from temptation and corruption, and all chance of being worried, and give them nothing to do but sit here a few months, with nothing to do but enjoy pleasant social intercourse, you might just as well fix everything in the constitution. If the legislature is to be so easily corrupted, so very much perplexed and disturbed about business, we would better get rid of it. The people who come to the legislature appear to be considered by this convention, the most respectable people in the State. It seems to be thought here, that the convention can act more wisely than any legislature which will ever assemble.

Mr. CLARKE. I am in favor of trusting to the legislature.

Mr. STIRLING. I am not now replying to the argument of the gentleman from Prince George's (Mr. Clarke,) but to that of the gentleman from Washington (Mr. Negley,) both now and the other day, which leads directly to this conclusion. If there is any temptation to the legislature in leaving it to them to fix the salary of the librarian, it will be increased by the fact that the legislature is to elect the librarian. The house almost unanimously voted down the proposition to take away the appointing power from the legislature and to give it to the judges of the court of appeals. They refused to take it away from the legislature, where the man is always selected, I will not say without reference to qualifications, but selected as a representative of the political party to which he belongs; but after allowing the legislature to elect, you will not allow the legislature to fix the salary.

I admit that in the case of officers elected by the people, there is a fair ground for fixing the salary in the constitution. But why should we fix the salary of the librarian any more than that of the reporter of the court of appeals? He is nothing more than the librarian of the court of appeals. There are hardly one hundred and fifty dollars worth of miscellaneous books in the library, if they

were put up at auction. Except as a law library it is absolutely worthless. It is a mere library to the court of appeals. Why should we make the librarian elected by joint ballot of the two branches of the legislature? Why not make the reporter of the court of appeals elective by the legislature and fix his salary in the constitution? The salary of the governor, comptroller, and those officers elected by the people are fixed; but you do not fix in the constitution the salaries of those officers who are merely appointed. State's attorneys and many other officers throughout the State have not their salaries fixed. Take the whole inspection system. Why not say how much a flour inspector shall receive? The constitution says that nobody shall get more than three thousand dollars. That does not fix the compensation; but gives him three thousand dollars provided he makes it.

What men's services are worth, differs from time to time. You cannot tell what a man's services will be worth. It depends on the price of money, and a thousand other fluctuating considerations. The old constitution of Maryland did not fix any salaries at all.

This is one of the higher law improvements of the last twenty-five years. There is no more reason for fixing in the constitution the salary of the librarian than of the law reporter, and controlling it for all time to come. Just because the people have sent us here in convention is no reason why every man who has a bright idea should stick it into the constitution to bind all future legislators for all time to come. I am opposed to it. I think there is no good reason for fixing in the constitution the salary either of the librarian or of the law reporter.

Mr. CHAMBERS. This provision has become very much more important than I supposed it would be. With regard to this attempt to allow some rights to the legislature it would have been a most happy event, if we could have had the same resistance a while ago when the legislature was restrained in other respects and in a manner unheard of since the world began up to July, 1864. It would have been very happy then, if the legislature could have been permitted to exercise a discretion under the state of facts disclosed by future events. But this is not a question of the negro, it seems. I wish with all my heart that the convention would be consistent in this particular, and would adopt the doctrine which the last gentleman has recommended in the particular case now before us. No more upon that subject however.

My own opinion is that consistency will not be consulted by adopting the amendment of the gentleman from Baltimore with regard to fixing the salary of this office. The argument would be very good, if it was to have the effect of striking out all the salaries. As my learned friend from Prince George's (Mr. Clarke) has well said, why distinguish this?