

salary, and then he would have no right to charge beyond it, leaving it to the equity and justice of the legislature, to make him extra compensation whenever it might be thought proper he should receive it.

If economy were the sole object, it appeared to him that the appointment of an Attorney General for the State, with a fixed salary, would accomplish that object and comport more with the dignity and honor and interest of the State, than a power vested in the Governor, to employ counsel whenever he deemed it expedient, and at what compensation he pleased. For these reasons he should vote for the appointment of an Attorney General.

Mr. BRENT, of Charles, said that the subject presented to the consideration of the Convention, was whether the office of Attorney General, as it now exists in the State, should be retained in the Constitution we have been delegated to form. The plan of the committee proposed to abolish that office, and substitute in place of it State's Attorneys, to be elected by the people in the several counties and the city of Baltimore. From the consideration and thought he had given to the subject, he believed it to be the proper plan, and was prepared to give it his support. The provisions of the second section of the reported bill, rendered the appointment of an Attorney General for the State at large unnecessary, and the arguments submitted on the other side had failed to convince him he was in error. No objection had been made to the main features of this section, but it was contended that in addition to a State's Attorney to be elected in each county and the city of Baltimore, there should also be an Attorney General for the State at large.

The gentleman from Prince George, had gone into an historical inquiry, to show that this was a common law office. He believed that it had its origin in England, during the time of Charles, the second. Many of its duties are derived from the common law, but in this State they are chiefly prescribed by the act of 1817. The various tax and revenue laws of the State, also require certain services to be rendered by that officer. His appointment is provided for in the Constitution, but his duties have been designated by the Legislature. It was not, however, important for him to stop and enquire whether this was an officer at common law or not. An examination of that question in connection with the subject, as presented by the bill of the committee, he thought needless.

What are the duties of that officer? To attend to all cases and suits where the State of Maryland is directly concerned, either in interest or in guarding and enforcing her criminal laws. He is in fact the attorney of the State, in every case where she is the real and not the nominal party. Not being able to attend to every State's case arising within her limits, he has exercised the right of appointing his deputies, of whom acting within the limits of the commission from the Attorney General to them, the same duties are required as of him. He is not the confidential adviser of the Governor, but the Governor of the State has the right to require from him his writ-

ten opinion upon any subject in which the legal rights and interest of the State are involved.

Mr. B. went on to remark that the Attorney General of the State is not a salaried officer. His compensation is derived from fees, and the amount depends upon the number of cases in which he is professionally engaged. In most of the counties of the State, the emoluments of the office are small, and it is only in the city of Baltimore that the profits of the office are large; being rendered so by the number of criminal cases constantly occurring there, and which will always be an incident to a large and populous city. The fees of the Attorney General and his Deputies, are paid by the county or city, where the several cases are prosecuted, unless by the judgment of the Court they are to be paid by the party convicted. From the remarks of one of the honorable gentlemen from Baltimore, not now in his seat, it might be inferred, although he did not design so to be understood, that the Attorney General of Maryland was paid by that city. If he resides there and prosecutes in criminal cases originating in that city, he is chiefly paid from her treasury. A former Attorney General of the State resided upon the Eastern Shore, and no part of his income was received from Baltimore—the profits of the office there went to his deputy.

It is said if the office of Attorney General is abolished, the interests of the State will suffer. Undoubtedly this is true, unless his duties are deputed to others. What is proposed in the bill under discussion? Why, instead of having this officer for the State at large, it is proposed that each county and the city of Baltimore, respectively, shall elect a "State's Attorney," to be clothed with the same powers and duties, which the present Attorney General is required to exercise, circumscribed only by the limits of the county or city, in which they are elected. Every case in which the State is interested within her own territory, must arise in some one of the counties, or the city of Baltimore.—There then will be an attorney under the plan proposed, as well as under the present, to guard and protect her rights. The argument did not seem to him to be sound. But it is assumed that these attorneys will not expect to follow their cases to the Court of Appeals. He, Mr. B., thought it would be their duty to try them there, as well as in the Court below. The deputies under the late Attorney General were required and expected by him to do so. He believed and hoped that the people would elect good and competent men. It was an office of high importance to their peace and welfare as citizens, and he had no doubt they would take care to fill it properly. If attorneys are to be selected in the several sections of the State, to take charge of all her cases originating, or for trial there, he could not understand how their duty to the State as counsel would be discharged until they had followed the case to its termination.

There was an omission it seemed to him in the bill, but this he thought could be easily supplied.