

The Governor, as he had before remarked, had now the right to call upon the Attorney General for his written opinion upon questions of interest to the State. It was desirable that the Executive should have the right to claim the opinion of some legal officer, upon questions of law that might arise from time to time in the discharge of his department of the Government. He suggested that he should be authorised to call upon any one of the State's Attorneys, for an opinion in the same manner as he can now claim the opinion of the Attorney General. This he thought could be done without inconvenience, and would remove one of the objections urged against the discontinuance of the office.

It was true, that cases might arise, beyond the limits of the State, in which her rights and interests were involved, requiring that they should be represented and guarded by able and distinguished counsel. This very condition of things is intended to be provided for by the first section. It authorises the Governor "to employ counsel for the State when in his judgment the public interest requires it." With the restrictions proposed in the amendment of the gentleman from Cecil, he, (Mr. B.) would not hesitate in giving him the power. But the fact that such cases will arise is no reason for the continuance of this office. They have arisen, and the late Attorney General, whose ability no man doubted, was not required to appear in them all. When he did appear in any one of them he was liberally paid as he ought to have been, from the treasury of the State. Other distinguished gentlemen were employed in more instances than one. Mr. B. here referred to the printed table of fees paid by the State to counsel in the last twelve years. This then, (he continued,) can be no reason for retaining this office, and the section only authorises the Governor to do that which has been done whilst the office existed. Moreover, how often would these cases occur? From the history of the past it could not be presumed that they would occur often.

He had heard no one object to the election of State's Attorneys in the counties and city of Baltimore. The determination of the Convention seemed to be unanimous upon that point. You are then to have a State's Attorney in every section of the State, and what duty is left to be performed by an Attorney General? It is however proposed that there should be an Attorney General with a fixed salary, who is to be, it is said, the confidential adviser of the Governor. This is the creation of a new office with an old name. The Attorney General is now paid by fees. The one proposed to be appointed under the new Constitution is to receive a salary to be paid from the treasury of the State. If you have the office, inducements must be offered to the distinguished talent of the State to fill it. The salary must be a large one. Upon the ground of a proper economy he could not vote for the proposition.

In conclusion, he saw no necessity for continuing this office. Its duties are in fact to be performed by the officers proposed to be elected in the second section of this bill. The interests of

the State, in all cases in which she is concerned, would not be left unprotected. The power to the Governor to employ counsel, when the interest of the State requires it, will secure counsel to the State in all those cases which do not arise within her limits. He should therefore vote for abolishing the office.

Mr. MORGAN had listened to the discussion with a great deal of interest, and would say that he had come to a different conclusion from the gentleman who had just taken his seat. What was that gentleman's objection to the amendment proposed by the gentleman from Somerset, (Mr. Crisfield,) and how did he propose to obviate that objection? He had said that the Attorney General was not required by the State, because by the article which was before them, the duties of that officer might be performed by the deputies of the respective counties. This was subject to two objections. First—the irresponsibility of these officers discharging the duties of an Attorney General. Secondly—the extra compensation at the discretion of the Governor, or the Legislature, paid to counsel for duties that would be performed by that officer. Now, as to the first objection, he did not concur with his friend from Charles, (Mr. Brent,) that deputies elected in the counties, were always proper persons to follow suits to the court of appeals. There were no doubt some exceptions, among which he was happy to include his friend from Charles. It was well known to every member, that the class of prosecutors were not men of that legal attainment, of that knowledge of the law, who would be proper to follow these cases to the court of appeals. Many of the cases brought to that court, were very important either in the principle to be decided, or the amount involved in the result. He meant no disrespect to these officers, but public duty required that he should speak plainly, and say that it was obvious to the Convention, that should they follow these cases to the court of appeals, that the interests of the State would require that some assistance should be given them in that court. It then resolved itself into this, that counsel other than the prosecuting officer, would be necessarily employed to protect the interest of the State, and in that event extra compensation would be necessarily allowed. Surely his friend from Charles did not mean to say that the prosecuting attorney should follow such cases here, and that the only compensation for his trouble, time, expense of travel, and trying them, should be the \$3,33 1-3 cents, now allowed by law. He could not attend to the cases for that fee. He must then receive extra compensation, and as he had before said, many of them would require assistant counsel, who also would receive extra compensation, and this compensation must be, from its nature, uncertain, undefined and unlimited at the time of the rendition of the services, and when fixed, would possibly be ascertained by the party inclinations of the Governor or Legislature, that paid for them. This he considered a strong reason why the present article should not pass, as it opened the doors of the treasury to favoritism, and to a wasteful extravagance of the public money.