

hitherto paid into it of this surplus, \$1500 a year.

Mr. STIRLING. The gentleman is entirely mistaken in his facts. I do not see the absolute necessity of having this clause at all, except that it is well to have the whole law on the face of it. The law fixed here by the amendment is precisely what has always been allowed ever since the constitution has been in force. It does not change the law or the fact.

Mr. MILLER. I see no use in putting it into the constitution.

Mr. THOMAS. The only object of putting it into the constitution, is that no comptroller may hereafter deny the right of the State's attorney of Baltimore city to pay his deputy.— It might happen that the comptroller might refuse this amount of money in the account of the State's attorney of Baltimore city. It is utterly impossible, as is known to almost every one connected with the bar, for the State's attorney there to get along without a deputy; and in order to get a good deputy, he must pay him a good salary, something to live on; because it takes the whole of his time to attend to the grand jury. It does not take a dollar from the State, for the reason that ever since the adoption of the present constitution, for fourteen years, the comptrollers have been allowing to the State's attorneys of Baltimore city this amount of money out of the fees which came into their hands.

Mr. MILLER. I would suggest that the present provision of the constitution appoints an attorney general, who will no doubt have his residence in Baltimore city, and who will attend to a good deal of the important criminal practice in the city of Baltimore.

Mr. THOMAS. Will the attorney general go before the grand jury and write out indictments?

Mr. MILLER. No; but the important business will be attended to by the attorney general, capital cases, &c. I know a former attorney general, Mr. Richardson, used to say that he did most of the work himself.

Mr. STIRLING. Mr. Richardson acted as his own deputy; and he himself tried all the cases, and got the fees of the State's attorney.

Mr. MILLER. If this deputy is made a constitutional officer, as provided here, it would not be possible for him to keep any fees beyond the \$3,000.

Mr. THOMAS. He cannot do it now.

Mr. MILLER. I understand that now the State's attorney has the power to employ Mr. A, Mr. B, or Mr. C to attend to cases.

Mr. STIRLING. The gentleman does not understand the facts of the case. The facts of the case are these. Under the old constitution the attorney general always prosecuted the cases in the Baltimore city court; and he did that for the obvious reason that there was all the important business, and all the profits of the attorney general came out of the Balti-

more city courts. He employed no deputy there except to attend to the grand jury and draw indictments. Mr. Pinkney was deputy attorney there during many years. He attended the grand jury and drew the indictments, and Mr. Richardson himself received the fees of the attorney's office and tried the cases.

Since the present constitution the same state of facts has existed all the time. The State's attorney has had a regular appointed deputy, one single person and no more, who always attended on the grand jury and drew the indictments; and the only effect of this provision is to cover still more under the direct provisions of law, what has been covered heretofore by the entire practice both of the treasury department and of the court. The deputy attorney of Baltimore city goes to the grand jury room, goes as State's attorney to the grand jury room; and he does it for the simple reason that it is impossible for any State's attorney of Baltimore city to try cases and attend the grand jury, because the grand jury is in session when the petit jury is in session, and no case can ever be in two places at the same time. It is not to render temporary assistance that a deputy is temporarily called in.— He is a regular officer, and as such is required to take the oath of office under the constitution; but he will be to no further extent a responsible officer than he is now. He does not now take any fees. It is an incident of his place that he is never to take any fee as counsel against the State. If he does he must resign his position. He has no right to receive any; so that this does not at all prejudice him in his personal rights. This is exactly the same thing that has been done all the time; and this is only an additional sanction to the responsibilities of the place. I did not know that there would be any provision of this sort placed in the report. I do not agree with my colleague (Mr. Thomas) that any comptroller could make any difficulty about it, because the thing has been settled by the uniform practice of the departments. But it can do no harm to put this in, and there can certainly be no objection to it.

The amendment was agreed to.

Mr. DANIEL. I will renew the motion to fill the blank with "1500."

Mr. THOMAS. Fifteen hundred dollars has always been the usual allowance.

The amendment was agreed to.

Mr. PARRAN. I move to insert after the word "counties," in the seventh line, the words "except the county of Calvert." We have very little use for this officer in my county, and I can hardly believe that his salary ever exceeds four hundred dollars; and, considering the rate of taxation in our county, I propose this amendment.

Mr. HEBB. I think it is very hard to make any county pay a larger salary than the county desires to pay to its own officer; and I will therefore move to strike out this clause, to