

Mr. DANIEL. This question will test the question in regard to the mode of appointment.—The other question can be decided afterwards.

Mr. SMITH, of Carroll. I desire to say a word, to show that there is no inconsistency between the vote I shall give upon the proposition of the gentleman from Baltimore city (Mr. Daniel,) and my action in having reported this section from the committee. I am generally in favor of giving the people the right to elect their officers, and not to deprive them of any privilege in that regard which they have heretofore exercised. And one strong argument introduced here in favor of an elective judiciary, is that the people having once exercised that privilege are not disposed to abandon it. That argument, however, does not apply to this case.

I think that the confidential and intimate relations that must necessarily exist between the governor and the attorney general are such as make it very advisable that he should be appointed rather than elected. The governor of the State will be forced to appoint a person learned in the law, and of honor and integrity. And the governor would be held responsible for the faithful discharge of the duties of the officer thus appointed. If this constitution be adopted by the people, I have no doubt that a great many important questions will be submitted to the attorney general, for the many changes we propose will bring up many questions to be decided. I think, therefore, under the circumstances, considering the relations which will exist between these two officers, that the governor ought to have the privilege of making the appointment. In my estimation it will better subserve the public interests.

The question was upon the amendment of Mr. DANIEL.

Upon this question Mr. DANIEL called the yeas and nays, and they were ordered.

The question being then taken, by yeas and nays, it resulted—yeas 24, nays 33—as follows:

*Yeas*—Messrs. Goldsborough, President; Bond, Briscoe, Chambers, Clarke, Daniel, Davis, of Charles, Dent, Earle, Edslen, Hopkins, Lee, Mitchell, Miller, Mullikin, Parker, Parran, Purnell, Ridgely, Russell, Smith, of Carroll, Stockbridge, Sykes, Todd—24.

*Nays*—Messrs. Abbott, Annan, Audoun, Blackiston, Brooks, Brown, Cunningham, Duvall, Ecker, Gale, Galloway, Hatch, Hebb, Horsey, Jones, of Somerset, Keefer, Kennard, King, Larsh, Marbury, Markey, Mayhugh, McComas, Murray, Negley, Nyman, Robinette, Sands, Schlosser, Stirling, Swope, Wickard, Wooden—33.

The amendment was accordingly rejected.

Mr. HEBB moved to fill up the first two blanks in the section, so that it should read—

“There shall be an attorney general elected

by the people of the State, on general ticket, on the Tuesday next after the first Monday in November, in the year eighteen hundred and sixty-four.”

The question being taken, the motion was agreed to.

Mr. SMITH, of Carroll, moved to fill the other blanks, so that it would read—

“And on the same day in every fourth year thereafter, who shall hold his office for four years from the first Monday of January next ensuing his election,” &c.

Mr. HEBB. I move to make the term of office two years, so that it may conform to the terms of the comptroller and treasurer.

The question was stated to be upon the longest time, being that proposed by Mr. SMITH, of Carroll, which was agreed to.

No further amendment was offered to the first section.

Section two was then read as follows:

“Sec. 2. All elections for attorney general shall be certified to, and returns made thereof by the clerks of the circuit courts for the several counties, and the clerk of the superior court of Baltimore city, to the governor of the State, whose duty it shall be to decide upon the election and qualifications of the person returned, and in case of a tie between two or more persons, to designate which of said persons shall qualify as attorney general and to administer the oath of office to the person elected.”

No amendment was offered to this section.

Section three was then read as follows:

“Sec. 3. It shall be the duty of the attorney general to prosecute and defend, on the part of the State, all cases which at the time of his election and qualification, and thereafter may be depending in the court of appeals, or in the supreme court of the United States, by or against the State, or wherein the State may be interested; and he shall give his opinion in writing whenever required by the general assembly, or either branch thereof, the governor, the comptroller, the treasurer or any State's attorney on any matter or subject depending before them; and when required by the governor or the general assembly, he shall aid any State's attorney in prosecuting any suit or action brought by the State, in any court of this State; and he shall commence and prosecute or defend any suit, or action in any of said courts, on the part of the State, as the general assembly or the governor, acting according to law, shall direct to be commenced, prosecuted, or defended, and he shall receive for his services an annual salary of ——— thousand dollars; but he shall not be entitled to receive any fees, perquisites, or rewards whatever, in addition to the salary aforesaid, for the performance of any official duty, nor have power to appoint any agent, representative, or deputy, under any circumstances whatever.”

Mr. AUDOUN moved to fill the blank so as to