

This is not really creating a new office. It is merely re-distributing duties that are now performed under another name, and so far from increasing expenses to the State, it is saving expenses. It is true that so far as this report of the comptroller shows, the expense for the last fourteen years for these duties have not averaged much over \$1,800 a year. But last year it was considerably in excess of \$3,000. But the report does not include those cases in which gentlemen have been employed by the treasury department and have received commissions out of moneys collected for the State. I know that one gentleman under the late comptroller received a very considerable commission; not too much, for it was a very valuable service which he performed. In regard to matters of that sort, whenever that kind of compensation is made it is not contained in the report of the comptroller or treasurer. Now if you take into account the commissions which have been paid for these services, it will amount to much more than \$1,800 a year.

Now you must have for attorney general a man who is accustomed to trying cases, or he will not be fit for the office. And any man who has a good practice trying cases makes a considerable sum of money every year by trying cases against the State. But if such a man accepts this office, he must give up entirely that portion of his practice. Taking all these things into consideration, I believe a competent attorney general at three thousand dollars a year will be a saving to the State of at least a thousand dollars a year.

Mr. EDLEN. I would ask the gentleman from Baltimore city (Mr. Stirling) if in his opinion, the duties which this attorney general will be required to perform will be sufficient to occupy all his time? In other words, would he not have time to transact and attend to considerable private practice?

Mr. STIRLING. I suppose he would have some time. But no man will be willing to engage himself as the permanent counsel of the State, unless he gets a competent salary, for it will greatly affect his practice. There are many lawyers who receive from five hundred to a thousand dollars a year from criminal practice alone. If a man takes the position of attorney general he must resign all that portion of his practice, because he cannot take a case against the State. Then the attorney general would necessarily be required to reside in Annapolis a great deal of the time during the session of the legislature, and would have to pay board while here, and he must also go about the State a great deal.

In regard to the necessity of such an office, as this, I think every one who has paid any attention to the subject has been convinced of the vices of the present system. The Governor has absolute discretion to employ any counsel, and any number of counsel he pleases; and so with other officers of the

State. And it has become a sort of favoritism to reward certain lawyers. And it has got to be the practice that no man comes down here to perform such services for the legislature but what he expects his five hundred or his thousand dollars. And every man considers it a sort of grab at the treasury, as the only kind or instance of that service that he will get from the State, and he therefore considers himself entitled to a good fee. And besides the opinion of a man who has no official responsibility is not such an opinion as the State is entitled to. The opinion of such a man is not matter of record to the extent that the opinions of the attorney general would be. Besides that, you now have half a dozen men, one of whom may give one opinion and another give another opinion, which will control the action of the State authorities upon the same subject in the course of two or three years. But by having this officer, you at least secure uniformity of opinion during the term of his office.

Besides that there is a supervision exercised over the State's attorneys. This does not go back to the old system, but secures advice and co-operation in such a manner as to give us a uniformity in the criminal administration of the State. As it is now, with the different views that may be taken by different State's attorneys in regard to criminal law, one man may be acquitted by one State's attorney in one county, and another convicted by another in the next county, on the same charge. It is an anomaly that the criminal administration of the State of Maryland should be represented by twenty-one different officers. This office unites the judicial system of the State so far as responsibility is concerned. And I am of the opinion that if you give this officer three thousand dollars a year you will save at least a thousand dollars a year to the State, if not more.

Mr. BOND. There is one thing to be said; it is made the duty of the attorney general to try all cases in which the State is interested, in the supreme court of the United States, as well as elsewhere, and I suppose his travelling expenses, and expenses at Washington, will amount to at least five hundred dollars a year.

Mr. STOCKBRIDGE. I suppose that any one at all familiar with the legal business of the State, must feel the absolute necessity of the office proposed in this report. Without any disrespect to those officers, it is a notorious fact that the State's attorneys in some of the counties are far from being qualified to discharge the duties which devolve upon them, even in the local trials there. And when the cases which they have tried there come up here to the court of appeals, they are utterly incompetent to follow them up here and try them. The consequence is that it has been a necessity forced upon our governors almost