

2. LEGAL OFFICERS.

Less valuable than the places hitherto examined, the post of Attorney General was created by a commission to Secretary Lewger, September 6, 1644, and was separated from the secretariat on appointment of Lieutenant Richard Smith, Sr., September 28, 1657.¹⁶ Under royal administration there were two Attorneys General. Charles Carroll, who had been appointed in 1688, served the Lord Proprietary while successive incumbents acted under the crown. On May 1, 1716, Colonel William Bladen, the former Crown Attorney, succeeded Carroll as Lord Baltimore's officer.¹⁷ The last provincial incumbent, Thomas Jenings of Annapolis, sworn in on October 18, 1768, was to be appointed in 1777 the first state Attorney General.

As early as April, 1688, this officer had begun to appoint deputies, one in each county.¹⁸ These were at first called "His Lordship's Attorneys," but after the establishment of royal government they were always styled "Clerks of the Indictments." Their fees were settled by an act of April, 1698, and were thereafter regulated with those of the Attorney General. As these deputy offices were of slight value and moreover prevented an incumbent's defending criminal cases, competent lawyers would not accept them.¹⁹ Under state government the Clerks of the Indictments were to become County Prosecutors.

Prior to 1650/1 there was no provision for payment of the Attorney General, who until 1657 was also Secretary. By a proclamation of January 10, 1650/1, however, Governor William Stone settled upon him a thousand pounds of tobacco a year, about four or five pounds sterling; and this salary was doubtless raised upon separation of the Attorneyship from the Secretary's office.²⁰

places the Commissary's gross income at £900 sterling (Massachusetts Historical Society, *Collections*, series I, vol. VII [1801], 202-03). As the net income in 1754 was about £570 (cf. note 14 above) and the gross income for the same year about £900 (the average for 1745-52), the total expenses were evidently about £330 sterling. For some other contemporary estimates see Cecilius Calvert to Horatio Sharpe, Sept. 9, 1755; Horatio Sharpe to Board of Trade, Dec. 21, 1761; and Horatio Sharpe to Hugh Hamersley, July 25, 1768 (*Archives*, XXXI, 490; XXXII, 27; XIV, 519).

¹⁶ *Ibid.*, III, 158; X, 542.

¹⁷ Provincial Court Judgments, liber 15, folio 630 (Hall of Records).

¹⁸ *Archives*, VIII, 17, 18, 30.

¹⁹ See the reply of the Upper to the Lower House, Oct. 26, 1720, *Ibid.*, XXXIV, 46.

²⁰ *Ibid.*, III, 261.