

and which would exclude all useless offices. The question now arose, is the office of Attorney General a useless one? And this was the point with which he took issue with the gentleman who had preceded him, (Mr. McLane.) That gentleman's whole argument showed, the history of the State showed, that the State of Maryland required the assistance of legal advice. The whole history of the State showed that there had not been a period when she had not required it. The only difference between the gentleman and himself was this: How is the State to have this assistance?

Should the Governor have the privilege to select special counsel in all times and all cases, or should the State have a responsible law adviser upon whom it could rely? This was the question. The reason why his learned friend was opposed to this, was not because the State did not require counsel, but his argument was that the office had been abused. If the office had been abused, why did not his learned friend suggest a mode by which the abuses could be corrected, rather than the abolition of the office itself? Any other office in the State might be abused, and did it follow that because the office was abused, therefore it should be abolished? No; wisdom would seem to suggest that to avoid abuse, they should provide a check to prevent it.

What had been the abuse complained of in reference to the office of Attorney General? It was not that that officer had not performed his duty, nor that the State had not derived essential service from his learning and ability. The fault complained of was that the Legislature had not defined the mode of paying him for services rendered; that in leaving the rate of payment open and uncertain, abuses had crept in, and large sums had been appropriated for the payment of services which were unreasonable and uncalled for. Now he would go with his friend for the correction of these abuses, and how could they be corrected?

All admitted that the State might require legal services and law advice. Let them have a responsible officer to take care of the interests of the State, and give him a fixed salary, beyond which they could not go. By this means they would prevent abuses, and secure to the State the services which it had at all times required. At this very moment, many cases arise in prospective, and there was now a great and important case pending in the State of Maryland, by and through one of her citizens, and the State of New York, growing out of the case of Mr. Lee, of Frederick. He had arrested one of his slaves. This slave, under a process, had been taken out of Mr. Lee's hands by Judge Edwards, of New York, as he was in the act of bringing him home and under a decision of the Judge, delivered out of custody.

The Attorney General or some other lawyer, would have to go to New York and take the case to the highest court of that State, even to the Supreme court of the United States, if necessary. The case was now actually pending, and was to have been argued at the last February term of

the Supreme court of New York. The Attorney General had now been notified to attend that court in May next for the purpose of arguing the case. So it would be at all times, and such cases would always arise, more especially since the passage by the Congress of the United States of the act protecting the right of the master to slave property. It should be made the duty of the law officer of the State to try all cases in which the State has an interest, and, in such cases, as might be necessary, to employ assistant counsel. In this way they could correct abuses.

His friend had said that there would be no necessity for an Attorney General, because the deputy attorneys throughout the counties, no doubt, would be selected for their learning, wisdom and position. The gentleman should recollect that the emoluments of these offices in the counties, are very small, and the question was yet to be determined whether they will command the consideration of men of the character of which he has spoken, particularly when, in addition to the limited pay, the offices are to be of short tenure.

The gentleman had also said, in reference to the Attorney General of the State of Maryland, that when that officer resided on the Eastern Shore, he took no part in the office of Attorney General. The gentleman would allow him to say that he was mistaken. The Attorney General did not prosecute in any county regularly, but whenever the public interest was at stake, and whenever the Governor had occasion to require a legal opinion or his counsel, he was always at hand. It was true that when he appeared in the court of appeals, and tried any peculiar case, as shown by the record, extra compensation was allowed him. But this resulted from defect in the mode of payment, not from the system itself.

The gentleman from Cecil had said, that about \$1700 per year, had been paid by the State for some years past to counsel, in addition to what had been paid to the Attorney General by regular fees. He had no doubt that this estimate was correct. He, (Mr. S.,) believed that if the people of the State were allowed to have an Attorney General, with a salary of \$2000 per annum, and each county and the city of Baltimore, to elect their local attorneys, it would be much more economical than the system now pursued, or the one recommended by the amendment to the bill. He did not believe that there would be any difficulty in obtaining able men for \$2000 per year. He thought that distinguished men could be obtained for \$1500 per annum.

He was of the opinion that the Attorney General should have nothing to do with the prosecution of ordinary cases in the courts, but should merely give advice to the Governor, and try cases brought up to the court of appeals, by the deputies of the counties.

Fifteen hundred dollars per annum, he repeated, would secure the most distinguished men. They had the most eminent men as judges at \$2500 a year, whose duty it was to try all cases, and who were obliged to be from home at least six months in the course of a year.

Mr. CHAMBERS, of Kent. Nine months.