

services.³³ The great majority of the convention considered the office unnecessary, and desired its abolishment.

In place of the attorney-general the constitution of 1851 created the office of "State's Attorney." One state's attorney was to be elected by popular vote in each county and in the city of Baltimore. The duties of the state's attorneys were defined as being the same as that of attorney-general and his deputies, whom they superseded. The term of office was fixed at four years. The salary was to be paid in fees.³⁴

The prohibition against imprisonment for debt was a progressive step, though at the time it called forth adverse criticism. The *Baltimore American* in an editorial of June 4, 1851, said that: "The abolishment of imprisonment for debt discharged not merely the innocent bankrupt, but the swindler and the whole family of knaves. It paralyzed the arm of the law, because its processes are of no other avail than to give notice to the debtor that he may escape with his means if he will. Its tendency is to destroy the credit of the poor man, because it offers a temptation to defraud those on whom his credit must depend." The clause abolishing imprisonment for debt was introduced in the convention by Mr. Presstman, of Baltimore City, and was passed by a vote of 60 to 5.³⁵

The homestead exemption clause of the constitution was objected to on the ground of depreciating the value of the large capital invested in tenements.³⁶ The amount that could be exempted from execution for debt was five hundred dollars.³⁷

The legislature was prohibited to authorize the issue of any lottery grants. The same restriction was placed upon the legislature by a constitutional amendment in 1839.³⁸ Until the expiration of the lottery grants in the State, one

³³ Debates, vol. i, p. 535.

³⁴ Const. 1851, art. v.

³⁵ Debates, vol. i, p. 448.

³⁶ *Baltimore American*, May 31, 1851.

³⁷ Const. 1851, art. iii, sec. 39.

³⁸ Act 1839, ch. 31. Confirmed, Act 1840, ch. 261.