

would be similar to the office of Attorney General in England.

Anterior to the act of 1817, the duty of the Attorney General would be essentially different from those of the Attorney General of England, where it was the duty to take care of the interests of the crown in all civil causes. He hardly knew of a civil case here, in which the Attorney General had rendered any assistance. According to the document to which he had referred, the Attorney General attended in no case to the interests of the State in a civil suit, without being paid for it, independently of the fees and perquisites of his office. He knew of no such case. He supposed the act of 1817 to be intended in some degree to remedy this defect. It was not necessary now to call attention to that act, as it had been subsequently repealed by the act of 1821, in which the duties of the Attorney General were defined. The act of 1821, provided as follows :

"That from and after the passage of this act, the Governor shall nominate, and by and with the advice and consent of the council, appoint and commission a person of sound legal knowledge, who shall be styled Attorney General of Maryland, and who, previous to, and during his acting as such, shall reside in this State; and it shall be the duty of the said Attorney General, to prosecute and defend on the part of the State, all cases now depending, or which may hereafter be brought in or removed to any of the counties of this State, by or against the State, or wherein the State shall or may be interested, in the same manner, as the Attorney General heretofore was accustomed to do, or could do; and he shall have, exercise, and use all and every the powers and authorities in and relating to the same, as the Attorney General heretofore had used and exercised, or can have, use and exercise in similar cases; and he shall give his opinion and advice whenever he shall be required by the General Assembly, or either branch thereof, by the Governor and Council, or by the Treasurer of the Eastern and Western Shore, or any deputy he may appoint, on any matter or subject depending before them."

The object of this act was to define the duties more particularly, and to give the Attorney General the authority to appoint deputies. All the duties were provided for in this act; and were all transferred to the Prosecuting Attorneys of the several counties and of the city of Baltimore. The Attorney General had nothing to do with it, according to the scheme now proposed.

The proposition of the chairman of the committee, would dispose of the entire first branch of the act of 1821, and devolve the duties now nominally discharged by the Attorney General, upon the county prosecutors. Who could doubt that under this system, an intelligent people, in any part of the State, would select individuals quite competent to the discharge of these duties? What would be the remaining duties of the Attorney General? To give his opinion and advice whenever required so to do by the General Assembly, or by either branch thereof, by the Governor and council, or the treasurer of the East-

ern or Western Shore, upon any question pending before them. He would ask the Convention if they were now prepared to continue this office of Attorney General, for no other purpose than to give opinions.

The gentleman from Queen Anne's, had spoken of the salary. What gentleman, it had been asked, would take the office for \$2500 a year, or for less than that amount? He doubted whether it would be taken by a competent person, for less than \$3000. The system under which they were now acting, was other than that. Taking \$23000, the amount paid for the last twelve years, it would amount to but \$1700 per annum, so that it seemed that the Governor and the State, had had the benefit of the best talent and most eminent counsel in the State, at \$1700. Upon every principle, therefore, the office was shown to be entirely useless, and experience had proved that a fixed salary would not dispense at all with the objection he had stated.

He was willing to concede that this amendment was not stringent enough or broad enough to remedy the evil entirely. The argument of the gentleman over the way, (Mr. Spencer,) was founded upon abuses that might creep in, under this amendment, in the Legislature. The gentleman supposed that every case that occurred was to be presented to the Legislature and decided *per se*. That was not his intention. He intended to have the Legislature take up the subject and prescribe regulations at once, by which the Governor would be bound, when he came to select counsel. They would prescribe some general rule by which the compensation should be regulated by the government. That was his intention, and this would prevent the abuses which the gentleman had suggested. If that gentleman required that the amendment should be more strict, if he would make suggestions as to the mode, he, (Mr. McLane,) would cheerfully adopt them. He would gladly put it out of the power, either of the Governor or of the Legislature to abuse the power, should either of them be disposed so to do, which he did not believe would ever be the case. He could, therefore, see no difficulty growing out of it. The office of Attorney General was no longer the constitutional office. It was an office of the law, and if the bill was passed, the Legislature might create the office of Attorney General just as it had already been created. It might be done now, by Act of Assembly, as well as in 1821; and, he thought it important to prevent it. When the second section should come under consideration, he would offer an amendment to prevent it. In the mean time, he could see no benefit to result from the appointment of an officer with a fixed salary of \$1700, \$2800 or \$3000, unless it could be shown that the duties of that officer could thus be most economically discharged. The abuses of the Legislature, which could be guarded against, would constitute no objection to his proposition.

Mr. SPENCER said that every one would acknowledge that it was the duty of the Convention to adopt a Constitution which would limit the expenses of the State as much as possible,