

Mr. SPENCER. The gentleman from Kent says, that they have to be away from home nine months. Mr. S. said, that believing \$150 would procure the services of a capable person as Attorney General, he would be willing to vote for that sum for his annual compensation.

Mr. CRISFIELD stated his purpose in rising was not to prolong the debate, but simply to give notice of a substitute which he intended to propose, when in order, for the first section. Before doing this, however, he desired to notice a single view taken by the gentleman from Cecil, (Mr. McLane.) That gentleman's argument was, that this office was unnecessary. He had read to the Convention an amendment which the chairman of the committee who reported this article proposed to offer, by which the power of the prosecuting attorneys would cover all the duties of Attorney General, except those for advising the executive department. There were other classes of cases which these officers must be called upon to examine. There were cases continually arising in the land office, growing out of State laws, which must be attended to, as also civil and chancery cases. What did the gentleman propose? That when these cases arose, the clerk should inform the Governor who will delegate some individual to attend to the interests of the State. This showed that the services of a legal officer were necessary to the State, and the question then was—and the bill was based upon the hypothesis that the services of counsel were necessary—whether they were to have the duties performed by an officer who was an officer of law, whose duties would be prescribed by law, who would act under the responsibility of an oath, and who would receive a fixed salary, or whether they were to have an individual to be selected by the Governor, under no responsibility, guided by no law, and with no duty defined, and to receive an unlimited amount of compensation? On one hand, the duties would be undefined, and the compensation unfixed; on the other hand the duties would be defined and the responsibility known.

It seemed to him that the arguments of both sides admitted that some individual was necessary to perform some portion of the duty which the Attorney General heretofore had been required to perform. He thought it was better to have an Attorney General, than to adopt the mode suggested by the gentleman from Cecil.

If the Attorney General received last year \$9000, why not devise some scheme to prevent this amount from accruing to him? They could limit the amount. The argument had been urged that \$1700, in addition to the fees, had been paid for extra compensation. These fees would continue to be given until the law should be altered, so as to give to the Attorney General a certain salary. The Legislature had given this sum regularly themselves: if not directly they had directed the Governor to do it. Unless they restrained the Legislature, these expenditures would still go on. Economy was a sufficient reason why they should have an individual as Attorney General, who would receive a fix-

ed compensation and be required by law to perform such duties as should be assigned to him by law. This would certainly be better than to have a class of individuals irresponsible to the State.

Mr. C. then read his substitute, which he said was based upon the act of 1821, as follows:

Section 1st. The Governor, by and with the advice and consent of the Senate, shall appoint one person of integrity and sound legal knowledge, who shall be a citizen of the United States, and shall have resided at least five years in this State, before the time of his appointment, who shall be styled Attorney General of Maryland; he shall reside in this State while he continues to act as such; shall hold his office for the term of four years, and shall qualify by taking such oath as may be prescribed by law, and it shall be his duty to prosecute and defend, on the part of the State, all cases which at the time of the adoption of this Constitution and thereafter, may be depending in the courts of appeals by or against the State, or wherein the State shall be interested, in the same manner as the Attorney General is accustomed to do, or can 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 now has, use, and exercises, or can have use and exercise, in similar cases, except such as are herein conferred upon the State's Attorneys, to be provided for hereafter, and he shall give his opinion in writing whenever required by the General Assembly or either branch thereof, the Governor, the Treasurer, or any State's Attorney, on any matter or subject depending before them, and when required by the Governor or the General Assembly he shall aid any State's Attorney in prosecuting any suit or action brought by the State in any court of this State; and he shall commence and prosecute or defend any suit or action in any of said courts, on the part of the State, as the General Assembly, or the Governor, acting according to law, shall direct to be commenced, prosecuted or defended, and he shall receive for his services an annual salary of _____ dollars, but he shall not be entitled to receive any fees, perquisites or rewards whatever, in addition to the salary aforesaid, for the performance of any official duty; or have power to appoint any agent, representative, or deputy, under any circumstances whatever.

Mr. JENIFER said, that the bill as reported and the amendments and substitutes offered, all provided for a law officer of the State as necessary. This seemed to be conceded on all sides. The questions which arise were, whether he should be called an Attorney General or mere counsel employed by the Governor; whether he should be appointed or elected, and what compensation he should receive. These embraced the general views of the amendments. An objection had been urged to the appointment or election of an Attorney General upon the ground of expense. The gentleman from Cecil, [Mr. McLane] had assumed that one of the objects of calling the Convention, indeed he had said, the greatest ob-