

I hate a great deal worse; and that is being bored almost to death by candidates for such offices. Therefore, with all due respect for the opinions of my legal friends in this case, I must vote "no."

The question then recurred upon the motion of Mr. STIRLING to fix the salary at twenty-five hundred dollars.

Upon this question Mr. WICKARD called for the yeas and nays, which were ordered.

The question being then taken, by yeas and nays, it resulted—yeas 42, nays 20—as follows:

*Yeas*—Messrs. Goldsborough, President; Annan, Bond, Briscoe, Chambers, Cunningham, Daniel, Dent, Earle, Ecker, Galloway, Hatch, Hebb, Hopkins, Hopper, Horsey, Jones, of Somerset, Kennard, King, Lansdale, Larsh, Markey, McComas, Miller, Mullikin, Murray, Negley, Nyman, Parker, Parran, Ridgely, Russell, Schley, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Todd, Wooden—42.

*Nays*—Messrs. Abbott, Audoun, Billingsley, Blackiston, Brooks, Brown, Carter, Crawford, Davis, of Charles, Edelen, Gale, Keefe, Lee, Mayhugh, Mitchell, Purnell, Robinette, Schlosser, Smith, of Dorchester, Wickard—20.

The motion of Mr. STIRLING was accordingly agreed to.

Mr. MILLER moved to strike out the words "or any State's attorney," in the clause enumerating the parties authorized to call upon the attorney general for a written opinion on any subject depending before them.

Mr. SMITH, of Carroll. I hope that amendment will not be adopted.

Mr. MILLER. I was going to say one word in explanation of my motion. By this provision, as it now stands, it is made the constitutional obligation of the attorney general to "give his opinion in writing whenever required by the general assembly, or either branch thereof, the governor, the comptroller, the treasurer, or any State's attorney, on any matter or subject depending before them."—It further provides that "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." Now there are twenty-one State's attorneys in the State, and, under this provision as it stands, they are at liberty to require an opinion in writing from the attorney general upon any subject matter before them, and the attorney general is subject to be required to go and help them try their cases.

Mr. SMITH, of Carroll. It means all official matters before them, not any private matter.

Mr. MILLER. Of course it refers to State matters. Suppose my learned friend, the chairman of this committee, (Mr. Smith, of Carroll,) is elected attorney general by the people of this State, as I hope he may be. He would sit down in his office, or wherever he might be, and I venture to say there would not be a

day pass through the whole year in which he would not be required to give his opinion in writing to some State's attorney. I think it is enough for the attorney general to do to give his opinion in writing to the general assembly, the governor, the comptroller and the treasurer, when required, and also be sent to assist any State's attorney whenever the governor sees that the business of the State is not well conducted.

Now, according to this section as it now stands, it is not discretionary with the attorney general, but it is made a constitutional obligation upon him to answer all the letters of these twenty-one State's attorneys in the State upon official business pending before them. Now that is imposing upon him an amount of duty that I would not be willing that the gentleman from Carroll (Mr. Smith,) if in that position, should be made to perform.

Mr. KING. It appears to me that this is a very wrong time to bring this matter up, as we have fixed his salary. One of the arguments in favor of a high salary was that the attorney general had to aid the State's attorneys throughout the State. That was one reason why I voted for twenty-five hundred dollars.

Mr. BILLINGSLEY moved that the convention adjourn.

The question being taken, upon a division—ayes 25, nays 28—the motion to adjourn was not agreed to.

The question recurred upon the motion of Mr. MILLER to amend section three of the report by striking out the words "or any State's attorney."

Mr. SMITH, of Carroll. I hope this amendment will not be adopted. This provision was inserted here for the express purpose of making it obligatory upon the attorney general to give his opinion to the State's attorneys, who in all conscience need it greatly in some of the counties. Still I do not think it would be fair to impute so great ignorance to them as to suppose it would be necessary for the attorney general to be giving them opinions all the time. I know there are many intelligent gentlemen who occupy that position. But there are some who are not so learned in the law, for the simple reason that the fees of the office are totally inadequate to secure the services of good men. We have made provision for them to receive a certain salary, which will compensate gentlemen of ability, and enable the people to obtain their services.

I think we will be destroying the efficiency of this section, if we strike out these words. The State's attorneys throughout the counties have the right to require the opinions and the services of the attorney general upon all matters in which the State is interested, and unless there is a provision making it obligatory upon him, some gentleman occupying that position may not think it necessary to respond to all the appeals made to him by those who really