

SENATE.....No. 52.

Commonwealth of Massachusetts.

IN SENATE, March 3, 1838.

The Committee on the Judiciary, to whom was referred the Attorney General's Annual Report, have had the same under consideration, and respectfully

REPORT,

That it becomes necessary, to secure the public interest, that suits should be from time to time instituted against sundry purchasers of Eastern lands and others living out of the State, and that these suits must be commenced and prosecuted in the courts of the State where the debtors reside.

It is also necessary in these cases, and in other actions to which the Commonwealth is a party, sometimes before as well as after they are instituted, to procure evidence by depositions, or to attend to that which is to be procured by the opposite party, for which no sufficient provision is now made by law; and the committee are of opinion, that it would subserve the public interest that a small contingent fund should be appropriated for these

purposes, to be drawn for under the direction of the governor, and accounted for by the officer by whom it should be disbursed.

The committee further find, that the extended relations of the Commonwealth render it highly necessary for the public interest that the treasurer should be able to require counsel and advice, in such questions of law as arise in the discharge of his public duties, and that it would be convenient and useful that the same power should be given to the secretary, adjutant general, and board of bank commissioners.

During the past year, various occasions of this kind have arisen, as appear by the attorney general's report, and they have been met by that officer, who has readily attended to them whenever application has been made to him. But the committee do not find, that this service is now enjoined by law as a part of his official duty. They think the demand for such service will increase, and that it should be provided for by law.

The committee find, that, since the act of 1832, ch. 130, by which the duties of the attorney general were regulated and the salary established, the duties of that officer have been enlarged by two new statutes, and one third of the salary taken away. The committee propose still further to increase the duties of the office, and they are satisfied that the state of the public business will tend to augment them. They think it reasonable to restore the original salary,—and for all these purposes they report a Bill.

SAMUEL B. WALCOTT,

By order of the Committee.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Thirty-Eight.

AN ACT

Concerning the Office of Attorney General.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

1 SEC. 1. That his excellency the governor, by and
2 with the advice and consent of the council, be and he
3 hereby is authorized, on the representation of the
4 attorney general, to draw his warrant on the treasury
5 for the contingent expenses of such civil actions or
6 suits at law as are or may be instituted for the benefit
7 of the Commonwealth, not exceeding the sum of three
8 hundred dollars in any one year ; for which sum the
9 officer disbursing the same shall be held annually to
10 account to the governor and council, in the month of
11 October of every year, and shall state the amount of

12 the sum expended in his annual report to the Legis-
13 lature.

1 SEC. 2. That it shall be the duty of the attorney
2 general, whenever required by the treasurer and re-
3 ceiver general of the Commonwealth, the secretary,
4 adjutant general, or board of bank commissioners, to
5 consult and advise with them, respectively, on any
6 questions of law that may arise in the course of their
7 official business; and to take charge of, and conduct
8 before the supreme judicial court, or any judge there-
9 of, all processes that shall be instituted by said bank
10 commissioners, or any one of them.

1 SEC. 3. That the sum of eighteen hundred dollars
2 be established as the annual salary of the attorney
3 general, payable in equal quarterly payments.

1 SEC. 4. That this act shall be in force from and
2 after the passing of the same.