

between those who were discharged and those acting in the same capacity who were retained? He hoped they would reinstate the clerks, and if it should be ascertained that there was no necessity for their services, let them resign.

Mr. HICKS asked the yeas and nays on the motion to reconsider;

Which were ordered, and

Being taken, resulted as follows:

*Affirmative*—Messrs. Morgan, Weems, Dickinson, Crisfield, Williams, Hicks, Hodson, Eccleston, Phelps, Bowie, Spencer, Dirickson, McMaster, Magraw, Carter, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Kilgour and Waters—23.

*Negative*—Messrs. Buchanan, President, *pro tem.*, Lee, Dorsey, Brent of Charles, Jenifer, Howard, Welch, Chandler, Sherwood of Talbot, Chambers of Cecil, Miller, McLane, Wright, Fooks, Shriver, Sappington, Nelson, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Cockey—30.

So the Convention refused to reconsider their vote on the said resolution.

Mr. BOWIE, (in accordance with the notice given by him on yesterday,) moved that the Convention take up for consideration the amendment offered by Mr. CHAMBERS, of Kent, to the twenty-second rule, and the substitute offered by him therefor.

Determined in the affirmative.

Mr. BOWIE then moved to lay said amendment and substitute on the table.

Determined in the affirmative.

Mr. DORSEY, (in accordance with the notice given by him on yesterday,) moved that the Convention take up for consideration the amendment offered by him to the seventeenth rule.

Determined in the affirmative.

On motion of Mr. DORSEY,  
The amendment was laid on the table.

#### REPORT ON THE ATTORNEY GENERAL.

On motion of Mr. BOWIE,

The Convention then resumed the consideration of the unfinished business of yesterday, being the report submitted by Mr. SHRIVER, as Chairman of the committee on the Attorney General and his Deputies.

The question pending before the Convention on yesterday, being on the motion of Mr. DIRICKSON to amend the first section of said report, striking out all after the word "it" in the second line of said section, and substituting in lieu thereof the following:

"For whose services such compensation shall be made as the legislature may allow."

Mr. BOWIE said he would not detain the Convention long. As he understood the report of the committee, it abolished altogether the office of Attorney General. The first section authorized the Governor to employ counsel for the State whenever the public interests may require. What were to be the powers, and what the duties

of this counsel when employed by the Governor? The report was entirely silent upon that subject. It delegated no powers—defined no duties. He looked upon the powers and duties of the office of Attorney General just as well settled, as those pertaining to the office of Judge, or to any other office known to the Constitution and the laws. When the office of Attorney General was created in 1776, by the Constitution, it was the office known to the common law, with all the powers and duties attaching and belonging to that office according to the principles and rules of common law. That Constitution did not undertake to define the duties or the powers, but simply said that there should be an Attorney General appointed by the Governor, whose office should be during good behaviour. It was therefore the office known to the common law, and as such, just as well known and defined—just as thoroughly settled as the powers and jurisdiction of a judge under the common law.

It was very important to have an Attorney General. No State could well dispense with such an officer. All business in which the State was concerned, whether of a civil or of a criminal character, belonged *ex officio* by the principles of common law to that office. It was his duty to superintend all public business; to try all causes of the King of England in the Courts of that realm; to superintend the administration of criminal jurisprudence; and to attend to the execution and issuing of all State process. All opinions and all indictments were submitted to his inspection, for his approval or condemnation. Witnesses were admitted to, or excluded from the grand jury; bail and recognizances in criminal cases, were to be taken, and their validity and regularity to be examined into by that officer. Was it possible that the Convention should yield to the principle that such an office would be abolished in Maryland? Whose duty would it be to attend to the prosecution and investigation of subjects connected with criminal jurisprudence? Whose business would it be to attend to the preservation of the rights of the people, or the process of the State, if this office should be abolished? Nobody's! Would it be said that a Constitutional provision simply giving the Governor the right to employ counsel, would vest in the counsel those high powers and duties? He would have no more authority *ex officio*, than the counsel employed in any other manner, or by a private individual. The relation of attorney and client would exist, and nothing more; and that even would be confined to the particular case, and there would be no further power inherent in him by virtue of his office. It would only extend to the particular contract made by the Governor, to be superseded by that Governor whenever he might choose to retain or employ any other counsel. Inherently, the office of counsel for the State, would have attached to it no powers and no duties whatever.

Such was not the case with the office of Attorney General. That office was as old as the common law itself, though not known perhaps by that name. The king's serjeant, the king's counsel, and the king's solicitor, were the titles by