

*Perlman, Debates of Convention, 1867 p. 328, 374-380, 413.*

In accordance with this provision, the Commissioner has, from time to time, come into possession of many papers and records of the old Courts and offices of the province of Maryland. The question is whether these records may properly be turned over to the Hall of Records Commission, thus relieving the Commissioner of the Land Office from the duty of taking care of the same.

I have no difficulty in reaching the conclusion that the provisions of Article VII, Section 5 of the Constitution, were intended to constitute the Commissioner a residuary custodian of any and all records "not belonging to any other office," and further to provide that in caring for such records, the Commissioner should not be entitled to additional compensation. I do not believe the constitutional provision should be construed so as to prevent the creation of a new office or commission with more adequate facilities for the preservation of ancient records not in any way related to the general duties of the office, or to give the Commissioner any proprietary right as the custodian thereof.

While it has been frequently said that the Legislature may not abolish a constitutional office

*Little v. Schul, 118 Md. 454, 464;*

*Calvert Co. v. Monnett, 164 Md. 101, 105*

it has been generally recognized by the Courts of other States that the Legislature may, within reasonable limits, increase or abridge the duties of a constitutional officer.

46 C. J. page 1036, and cases therein cited.

It is therefore my opinion that the Legislature did not exceed its constitutional authority in placing the responsibility for the care of all papers and records of the character indicated, upon the Hall of Records Commission.

Yours very truly,

HERBERT R. O'CONNOR,

*Attorney General*

*(Report and Official Opinions of Attorney General—Maryland 1935, pp. 271-273)*