

which the chief law officer of the crown was known in England, and constituted the foundation of the office, as now held by the Attorney General. By names the office was not known prior to the reign of Charles the second; but the king's counsel was known to have had all the functions, and all the duties afterwards given to the Attorney General, in the reign of Charles the second. As was known to every lawyer in the Convention, the powers and duties of the Attorney General, were just as clearly settled by the common law, and by English statute law, as the powers and duties of the judge himself. Why then, he repeated, should that office be abolished? He objected to the report upon the ground, that while it abolished the office of Attorney General, the want was not supplied by adequate provisions for any other officer, with the like *ex officio* powers. He regarded these powers as essentially necessary to the preservation of the sovereignty of the State; intimately identified and inseparably connected with the very idea of sovereignty itself.

Besides the powers given to this officer by the common law, there were several statutes in Maryland, which had superadded other duties and obligations. From the year 1776, to the year 1816, the powers and duties of this officer, remained precisely as at common law. The Attorney General in Maryland, had all the prerogatives, rights, duties, and powers, which the Attorney General in England ever had. In 1816, however, the Legislature had thought proper to abolish altogether the office of Attorney General. The act of 1816, chapter 247, confirmed by the act of 1817, chapter 269, was simply a sweeping clause abolishing altogether that part of the Constitution, which created the office of Attorney General. But at the very same session in which this latter act was passed, another law had passed, re-establishing the office, superadding particular duties, and defining its powers. But this law was simply declaratory, adding nothing that did not exist before, and requiring duties which grew out of the nature of his office, and the relation he held to the sovereign power of the State. The duties, however, were imposed in the form of an act of Assembly. By various succeeding acts of Assembly, the Attorney General was required to superintend the execution of all the revenue laws of the State; to approve the bonds given by public officers of the State, and by collectors of the direct tax; to approve corporation bonds, bonds of insurance companies, and bonds of railroad companies, involving millions upon millions. He was to examine them, and to give his opinion upon them, to the Governor and the Treasurer, whenever required. All these powers are given to him, besides those common law powers, by act of Assembly. What was now to become of this large class of useful and necessary powers, if the office itself should be abolished? Where were they to be lodged? Did the report lodge them in the counsel to be employed by the State? Far from it. It simply said that the Governor might employ counsel, without defining any duty or power whatever, leaving them limited to the particular case in

which he should be employed. He would submit it to the Convention, whether they were willing to abolish so important an office, without making some provision for these cases. If gentleman did not choose to call the officer Attorney General, they might call him what they pleased, provided the necessary powers were given to him.

The gentleman from Cecil, [Mr. McLane,] seemed to have taken up the idea that the office was unnecessary, and had drawn a parallel between the office of Attorney General of the United States and that of Maryland. One received only \$4,500 and was required to perform all the duties performed by the other, at a salary of \$8 or \$10,000. What had all this, he asked, to do with the office of Attorney General? If the fees were too large, they should be diminished. If the salary was too large it could be reduced to a proper and reasonable amount. But he could see no reason why the office itself should be abolished, or that it was unnecessary, because these enormous fees had been paid to that officer. The gentleman from Cecil had gone on to show that various sums of money had been appropriated as extra compensation to the Attorney General and his deputies. What had this to do with abolishing the office altogether? He would not say that the Governor had lavishly squandered away the public money by giving too large fees to counsel. He would neither affirm nor deny it. He knew nothing about the facts in relation to it, and the circumstances under which these fees were paid. He would state, however, that in all these cases there had been special acts of the Legislature to warrant the acts. During the few years that he had had the honor of a seat in the Legislature, he had a distinct recollection of being called upon repeatedly to vote upon resolutions authorising the Governor to employ additional counsel for particular cases. The very case in which the Attorney General was sent to New York, was authorised by a special act of the Legislature; and he would undertake to say that in no instance had these extra appropriations been made, except in pursuance of resolutions passed by the General Assembly authorising the Governor to make this expenditure of the public money. He had never done it of his own accord. But all this had nothing to do with the question under consideration. It was not now for the Convention to sit in judgment upon the proceedings of the Executive. He supposed there was not an honorable lawyer in the State, who would not claim the right at least to measure the value of his own services; and there would not be a Governor who would pay more than he thought the services to be worth.

His objection to the first article, which was now under consideration, was, that it abolished the office of Attorney General, an office which he thought was essentially necessary. No state in the Union was without such an officer, whose duties were to prosecute in the name of the State, not only in all criminal cases but in all civil suits. In hundreds of cases, the execution of criminal laws would be frustrated, if there was no such officer as an Attorney General, or some one