

Executive Department  
Annapolis, Md  
October 11<sup>th</sup> 1852.

P. S. Carpenter, Esq  
Sir:

Your letter of the 24<sup>th</sup> ultimo reached the Department during my absence. For several days after my return I was indisposed and could not attend to business. As soon as I was able, I addressed a communication to the late Attorney General, who informs me that he called the attention of Mr. Mc (who is now a member of the legislature of this State) to his case in New York; and gave him the opinion that it would require further legislation, in view of the fact that the office of Attorney General has been abolished by the new constitution. No action was taken by the legislature in the premises, so that the resolution of December session 1849 is the only authority for past or future proceedings. Although by Article II, Section 21, of the Constitution of this State, I am empowered to employ Counsel when the public interest requires it, still I would not feel justified in involving the State in any further expense, without special authority from the legislature, in the prosecution of this case; especially as that body failed, at the last session, to give it the necessary attention.

Even where I employ Counsel in pursuance of the Constitutional provision referred to, it is specially reserved to the legislature to fix the compensation for professional services, after they shall have been performed.

Mr. Brent informs me that \$250 were paid to you late partner (Mr. Abraham) for the argument of the case; which, according to the custom in this State, (and I presume in your State also) devolves the obligation upon the surviving partner. I can make no contract with you for any additional compensation, not having the power to do so; but must refer you to the generosity of the legislature. The case having been placed in the hands of your late partner in pursuance of the resolution of 1849, if you continue your connection with it, it will be as the surviving partner. I cannot assume to give any further authority or directions in the case; but must leave it to the legislature. In the meantime, however, you are fully authorized as successor to Mr. Abraham to continue the proceedings upon the instructions originally given to him, by Attorney General

Governor  
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to authorize  
him to take  
any steps