

two or more persons to designate which of said persons shall qualify as Attorney-General, and to administer the oath of office to the person elected.

This section confers jurisdiction upon the governor to decide both as to the election and qualification of the person returned elected, as well in the case of a contest as where there is no contest. The legislature would have no power under article 3, section 47, to confer the above jurisdiction upon any tribunal other than those designated by the constitution. Although the governor has the above jurisdiction, it was intended that he should be clothed by law with the means and instrumentalities to execute such power. Implied powers, denied. This section compared with article 5, section 8—see notes to article 4, section 11. *Groome v. Gwinn*, 43 Md. 623. (See also concurring opinion in this case.)

Sec. 3. It shall be the duty of the Attorney-General to prosecute and defend on the part of the State all cases which at the time of his appointment and qualification, and which thereafter may be depending in the Court of Appeals, or in the Supreme Court of the United States by or against the State, or wherein the State may be interested; and he shall give his opinion in writing whenever required by the General Assembly, or either branch thereof, the Governor, the Comptroller, the Treasurer, or any State's Attorney, on any legal matter, or subject depending before them, or either of them; and when required by the Governor or the General Assembly, he shall aid any State's Attorney in prosecuting any suit or action brought by the State in any Court of this State, and he shall commence and prosecute or defend any suit or action in any of said Courts, on the part of the State, which the General Assembly, or the Governor, acting according to law, shall direct to be commenced, prosecuted or defended; and he shall receive for his services an annual salary of three thousand dollars; but he shall not be entitled to receive any fees, perquisites or rewards whatever, in addition to the salary aforesaid, for the performance of any official duty; nor have power to appoint any agent, representative or deputy, under any circumstances whatever; nor shall the Governor employ any additional counsel in any case whatever, unless authorized by the General Assembly.

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