

Supreme Bench of Baltimore City. It shall be the duty of the General Assembly to prescribe by law a fixed compensation for all such officers, and said Judge or Judges shall from time to time investigate the expenses, costs and charges of their respective Courts, with a view to a change or reduction thereof, and report the result of such investigation to the General Assembly for its action.

Without this section the judges undoubtedly have the power to appoint such officers as are necessary for the proper conduct of the business of the courts. This section referred to in deciding that the control of the court house vested by art. 25, sec. 1, of the An. Code, in the county commissioners, could not be given to the court crier—see notes to art. 8 of the Declaration of Rights. *Prince George's County v. Mitchell*, 97 Md. 338.

Sec. 10. The Clerks of the several Courts created or continued by this Constitution shall have charge and custody of the records and other papers; shall perform all the duties, and be allowed the fees which appertain to their several offices, as the same now are or may hereafter be regulated by law. And the office and business of said Clerks, in all their departments, shall be subject to the visitorial power of the Judges of their respective Courts, who shall exercise the same, from time to time, so as to insure the faithful performance of the duties of said offices; and it shall be the duty of the Judges of said Courts, respectively, to make from time to time such rules and regulations as may be necessary and proper for the government of said Clerks, and for the performance of the duties of their offices, which shall have the force of law until repealed or modified by the General Assembly.

The visitorial power given the judges over the clerks is for the purpose of securing the faithful performance of duty; it was not the design to relieve the clerks from obligations to do what the law already required of them; the judges have no other or greater power than of supervisal, regulation and direction. An order of court requiring the clerk to make a certain index and providing for his compensation therefor, held invalid. *Peter v. Prettyman*, 62 Md. 575.

See art. 17 of the An. Code.

Sec. 11. The election for Judges hereinbefore provided, and all elections for Clerks, Registers of Wills and other officers provided in this Constitution, except State's Attorneys, shall be certified, and the returns made by the Clerks of the Circuit Courts of the Counties, and the Clerk of the Superior Court of Baltimore City, respectively, to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been, respectively, elected; and in all such elections the person having the greatest number of votes shall be declared elected.

The attorney-general, although not expressly named, is clearly embraced within the terms of this section. Construing this section in connection with art. 5, sec. 2, it is clear that the Governor should issue commissions as soon as the result of the election is ascertained from the official returns, and the newly elected officers should at once take the oath and enter upon their duties; the commission should not be withheld when the elections are contested. See notes to art. 5, sec. 2. *Groome v. Gwinn*, 43 Md. 622. (See also concurring opinion in this case.) *Brooke v. Widdecombe*, 39 Md. 401 (*cf.* dissenting opinion). And see *Wells v. Munroe*, 86 Md. 449.

It is the duty of the Governor under this section to issue his commission to the person regularly and duly returned as elected, although such election may be contested, and the Governor by sec. 12 is required to send the returns to the house of delegates. *Ijams v. Duvall*, 85 Md. 261. And see *Wells v. Munroe*, 86 Md. 448.