

This section referred to in deciding that the words "of the county" and "for the county" as applied to the circuit courts and the clerks thereof, are used interchangeably. *Slymer v. State*, 62 Md. 242.

See notes to secs. 12, 25 and 40.

Sec. 12. If in any case of election for Judges, Clerks of the Courts of Law and Register of Wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election the Governor shall send the returns to the House of Delegates, which shall judge of the election and qualification of the candidates at such election, and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the Governor, the House of Delegates shall order a new election within thirty days.

The "contested" election spoken of in this section means a contest between candidates at such election, not a dispute about the office of judge in which one party claims by appointment of the executive and the other by election of the people. The duties of the Governor are not all found in art. 2 of the Constitution, as is shown by art. 4, secs. 11, 12 and 13, where ministerial duties are imposed on the Governor, no discretion being imposed in him as to them. In the discharge of ministerial duties, the Governor is subject to mandamus. The commission to an office is *prima facie* proof of title to the office. See notes to art. 4, sec. 5, and art. 9, sec. 2. *Magruder v. Swann*, 25 Md. 204; *Groome v. Gwinn*, 43 Md. 625; *Brooke v. Widdecombe*, 39 Md. 401 (*cf.* dissenting opinion) And see *Wells v. Munroe*, 86 Md. 449.

The resolution of the house of delegates relative to a contested election cannot name a successor; all that it can do if it finds against an incumbent, is to give judgment against him and order a new election. *Ijams v. Duvall*, 85 Md. 262. And see *Wells v. Munroe*, 86 Md. 448.

Contest heard under this section; new election ordered; such order is not self-executing, but requires affirmative legislation. *Munroe v. Wells*, 83 Md. 510; *Warfield v. Vandiver*, 101 Md. 137 (dissenting opinion).

This section referred to in construing art. 4, sec. 11, and art. 5, sec. 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 635 (concurring opinion).

See notes to secs. 11, 25 and 40 (this article), and to art. 33, sec. 94, An. Code.

Sec. 13. All Public Commissions and Grants shall run thus: "The State of Maryland, &c.," and shall be signed by the Governor, with the seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed and signed as heretofore, or as may hereafter be provided by law; and all indictments shall conclude, "against the peace, government and dignity of the State."

The last clause of this section is mandatory and will be enforced. *State v. Dycer*, 85 Md. 252.

See notes to sec. 12.

Part II:—Court of Appeals.

Sec. 14. The Court of Appeals shall be composed of the Chief Judge of the first seven of the several Judicial Circuits of the State and a Judge from the City of Baltimore specially elected thereto, one of whom shall be designated by the Governor, by and with the advice and consent of the Senate, as the Chief Judge; and in all cases until action by the Senate can be had, the Judge so designated by the Governor shall act as Chief Judge. The Judge of the Court of Appeals from the City of Baltimore shall be elected by the qualified voters of said city at the election of Judges to be held