

This section as it stood in the Constitution of 1776 referred to in deciding that the bond of a register in chancery was only liable for the acts of such register while lawfully in office. *State v. Wayman*, 2 G & J. 284.

See art. 87, An. Code.

Sec. 45. Coroners, Elisors and Notaries Public may be appointed for each County and the City of Baltimore in the manner, for the purpose and with the powers now fixed, or which may hereafter be prescribed by law.

See arts. 22 and 68 of the An. Code.

ARTICLE V.

ATTORNEY-GENERAL AND STATE'S ATTORNEYS.

Attorney-General.

Sec. 1. There shall be an Attorney-General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, and on the same day in every fourth year thereafter, who shall hold his office for four years from the time of his election and qualification, and until his successor is elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, wilful neglect of duty or misdemeanor in office, on conviction in a court of law.

This section referred to in construing art. 5, sec. 2, and art. 4, sec. 11—see notes thereto. *Groome v. Gwinn*, 43 Md. 622.

Sec. 2. All elections for Attorney-General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts for the several Counties, and the Clerk of the Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be to decide on the election and qualification of the person returned; and in case of a tie between 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 art. 3, sec. 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 art. 5, sec. 8—see notes to art. 4, sec. 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 of the Treasury,