

effected to the satisfaction of all parties by a conference before the trials. Mr Brent, however, if he desires it will be entitled to precedence, as Counsel for this State, although upon this point there can be no possible difficulty between him and Mr Cooper, and it is here referred to only in reply to your special enquiry.

(Very Respectfully,  
Your Obedt Servt  
Thos. H. O'Neal  
Secy of State.

State Department  
Annapolis Nov 14<sup>th</sup> 1857

Hon. Robert I Brent,  
Attorney General

From  
Secy of State  
to

Sir, By direction of the Governor, I respectfully ask for your legal opinion, upon the following point.

By the fourth article 29<sup>th</sup> Sec: of the Constitution the returns of Elections are required to be certified to the Governor, who shall issue Commissions to the different persons &c elected. It does not appear in this section that the Governor has a right to go behind the returns, or to delay the Commissions for any cause. In cases of contested Elections, various provisions seem to have been made. For example, by the 5<sup>th</sup> article 2<sup>d</sup> Sec: the Judges of the several elected Courts are empowered to decide upon the elections & qualifications of the several State's Attornies. So also, by the 7<sup>th</sup> Article 3<sup>d</sup> Sec: it is provided, in case of doubt as to the legality or result of any Election for Commissioners of Public Works, it shall be the duty of the Governor to send the returns &c to the House of Delegates, who shall judge &c. So by article 4<sup>th</sup> Sec: 30, in regard to the Election of Judges, Clerks of the Courts of Law, and Registers of Wills. No provision whatever is made in regard to Judges of the orphans Court and divers other Officers. Article 3<sup>d</sup> Sec: 48. makes it the duty of the Legislature to provide for all cases of Contested elections of any of the Officers not provided for in the Constitution.

The Governor has received notice, in three several cases, to wit: One of a Clerk, One of a Register and one of a Judge