

multitude of offices, now made elective, produce a multitude of candidates. The election, in 1853, will add to the list innumerable Constables, Magistrates and Supervisors of County Roads. The manner and time of making the returns, the division of labor between the Judges; and their reasonable compensation, so as to insure the services of competent men, will form subjects for your early attention. I respectfully advise a complete revision of those laws. I will, here, advert to the too frequent and unnecessary delay, which occurs in the transmission of the returns to the Executive Department, occasioning, in many instances, serious inconvenience and embarrassment; and, often affecting other Counties, besides those in default. A summary process should be provided, to enforce prompt returns.

Upon examining the Constitution, you will find that, tribunals have been established for the decision of contested elections, in some cases only; the others are left to your legislation. It will be necessary for you to provide, without delay, for those cases, which have been thus passed over by the Constitution. I have already received official notice of an intended contest, for the seat of one of the recently elected Judges of the Orphan Court; and, as yet, there is no competent tribunal, in existence, to decide the question.

Article V. sec. 2, provides that "all elections for State's Attorney shall be certified, and returns made thereof, &c., to the Judges having criminal jurisdiction, &c., whose duty it shall be to judge of the election and qualifications of the persons returned; and, in case of a tie, &c., to designate which of the persons shall qualify, &c." This provision has been construed to dispense, (so far as relates to the election of State's Attorney,) with the general requirements of Article IV., sec. 29, which ordains that, "all elections of Judges, and other officers, provided for in this Constitution, shall be certified, and returns made, &c., to the Governor, who shall issue commissions to the different persons, for the offices to which they shall have been respectively elected, &c." I construe the V Article as simply intending to furnish the certified evidence, by which the Judge would be enabled to decide, in the event of a contested election, or to designate the officer, in the event of a tie; just as it is, elsewhere, provided that, the Governor shall send in the returns to the House of Delegates, in certain cases; whereupon, the House proceeds to consider and decide. Without this construction, Articles IV. & V. could not be reconciled; and, the State's Attorney would be the only non-commissioned officer, under the Constitution. I have, therefore, issued commissions to State's Attorneys, as to all others. It can, in no manner, prejudice the rights of contestants, (should there be any,) inasmuch as, the Judge can go behind the commission, in this case, just as the House of Delegates can in cases referred to their decision. A Senator or Delegate, though returned elected, and regularly sworn in, may nevertheless be ousted. Commissions, under the new Constitution, are merely the highest certificates of election, predicated upon the returns, and are not final. It would be well, however, that the Judges should be henceforth required, by law, after each election of such officers, to certify to the Governor the names of the State's Attorneys elected in the several Counties of their respective Circuits, by a given day; before which, commissions should not issue.

The Constitution defines, with clearness, the duties and powers of the Executive. There are, however, a few suggestions, which I desire to make, in relation to this Department. By the thirty-third Article of the old Constitution, the Governor was empowered to "grant reprieves and pardons, for any crime, except in such cases where the law shall otherwise direct." From this submission of the Executive authority to legislative control, springing various acts of Assembly, some limiting, and other