

on hand, and the place or places of deposit thereof, and on the third day of each regular session of the Legislature he shall submit to the Senate and House of Delegates fair and accurate copies of all accounts by him, from time to time, rendered and settled with the Comptroller. He shall at all times submit to the Comptroller the inspection of the money in his hands, and perform all other duties that shall be prescribed by Law.

Sec. 5. The Comptroller shall qualify and enter on the duties of his office on the third Monday of January next succeeding the time of his election, or as soon thereafter as practicable. And the Treasurer shall qualify within one month after his appointment by the Legislature.

Where the treasurer is not legally in office because he has failed to take the oath prescribed by article 1, section 6, of the constitution, within the time specified in this section, his official bond, although it has been approved by the Governor, is not liable for his defalcations. The term "qualify" as used in this section means taking the oath. The requirements of article 1, section 6, and of article 6, section 1, and of this section, are mandatory and not directory merely. If the treasurer fails to qualify within the prescribed time, the Governor has no authority to administer the oath to him, and a qualification after the month has expired does not relate back to the date of his appointment; nor does the approval by the Governor of a bond given after the month has expired make such bond a binding obligation upon the sureties. *Archer v. State*, 74 Md. 447; *Little v. Schul*, 118 Md. 466 (involving the failure of constables to qualify in time). *Cf. Postal Tel. Co. v. State*, 110 Md. 611.

This section referred to in construing article 3, section 29—see notes thereto. *Postal Tel. Co. v. State*, 110 Md. 611.

See notes to section 1.

Sec. 6. Whenever during the recess of the Legislature charges shall be preferred to the Governor against the Comptroller or Treasurer for incompetency, malfeasance in office, wilful neglect of duty, or misappropriation of the funds of the State, it shall be the duty of the Governor forthwith to notify the party so charged and fix a day for a hearing of said charges; and if from the evidence taken, under oath on said hearing before the Governor, the said allegations shall be sustained, it shall be the duty of the Governor to remove said offending officer and appoint another in his place, who shall hold the office for the unexpired term of the officer so removed.

ARTICLE VII.

SUNDRY OFFICERS.

County Commissioners—Surveyor—State Librarian—Commissioner of the Land Office—Wreck Master.

Section 1. County Commissioners shall be elected on general ticket of each county by the qualified voters of the several counties of this State, 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 second year thereafter. Their number in each county, their com-