

compensation, powers and duties, shall be such as are now or may be hereafter prescribed by Law.

[Sec. 1. County Commissioners shall be elected on general ticket of each county by the qualified voters of the several counties of the State, on the Tuesday next after the first Monday in the month of November, commencing in the year eighteen hundred and ninety-one; their number in each county, their compensation, powers and duties shall be such as now or may be hereafter prescribed by law; they shall be elected at such times, in such numbers and for such periods not exceeding six years, as may be prescribed by law.]*

Where the appellants were in office as county commissioners of Anne Arundel county under the act of 1892, chapter 442, and while their terms were still unexpired, the act of 1901, chapter 13, was passed repealing the act of 1892, and providing for an election in November, 1901, which resulted in the election of the appellees, the appellees were held by the lower court to be entitled to the office; since the court of appeals was equally divided on the question, the judgment of the lower court was affirmed. *Mandamus. Brown v. Brooke*, 95 Md. 738.

The amendment proposed by the act of 1890, chapter 255, held to be constitutional and to have been validly adopted; an act proposing an amendment to the constitution need not be set out *verbatim* on the journals. Although the amendment to this section was not proclaimed until December, 1891, and by its terms an election was directed to be held in November, 1891, county commissioners elected in November, 1891, were subject to the provisions of this section as amended—see note to article 14, section 1. *Worman v. Hagan*, 78 Md. 162.

There is no doubt that the legislature may pass laws not in conflict with the constitution changing the powers and duties of county commissioners. This section referred to in deciding that the control of the courthouse vested by article 25, section 1, of the Annotated Code, in the county commissioners, could not be given to the court crier—see notes to article 8 of the declaration of rights. *Prince George's County v. Mitchell*, 97 Md. 336.

Article 7, section 8, of the constitution of 1851, and the act of 1853, chapter 239, held to repeal the act of 1847, chapter 327, giving the charge of the courthouse of Washington county to the clerk of said county, and to give the county commissioners charge thereof. *Washington County v. Nesbitt*, 6 Md. 471.

For a case dealing with this section as it stood in the constitution of 1851, but no longer applicable by reason of changes in this section, see *Board of Commissioners, etc. v. Allegany County*, 20 Md. 457.

This section referred to in construing article 3, section 34—see notes thereto. *Bonsal v. Yellott*, 100 Md. 500.

See article 25 of the Annotated Code.

Sec. 2. The qualified voters of each County, and of the City of Baltimore shall, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and on the same day in every second year thereafter, elect a Surveyor for each County and the City of Baltimore, respectively, whose term of office shall commence on the first Monday of January next ensuing their election, and whose duties and compensation shall be the same as are now or may hereafter be prescribed by law. And any vacancy in

*Thus amended by act of 1890, chapter 255, and adopted by vote of people November 3, 1891.