

the office of Surveyor shall be filled by the Commissioners of the Counties, or by the Mayor and City Council of Baltimore, respectively, for the residue of the term.

See article 91 of the Annotated Code.

Sec. 3. The State Librarian shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor shall be appointed and qualified. His salary shall be fifteen hundred dollars a year; and he shall perform such duties as are now, or may hereafter be prescribed by Law; and no appropriation shall be made by law to pay for any clerk, or assistant to the Librarian. And it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to pass a Law regulating the mode and manner in which the books in the Library shall be kept and accounted for by the Librarian, and requiring the Librarian to give a bond, in such penalty as the Legislature may prescribe, for the proper discharge of his duties.

Governor Swann was elected under the constitution of 1864 for four years from his qualification, which occurred in January, 1865; in February, 1868, he appointed S. state librarian. Governor Bowie was elected under the constitution of 1867, and in February, 1870, at the next regular session of the legislature after he entered upon his duties, appointed M. state librarian. Held under this section and article 2, section 1, and article 15, sections 9 and 3, that the term of office of S. continued only during the term of Governor Swann and until the qualification of his successor, and hence M. was entitled to the office. *Silver v. Magruder*, 32 Md. 396.

Under this section (as it stood in the constitution of 1851), where the state librarian resigned before the end of his term and three days thereafter the appellee was elected in his place, the latter held his office for two years, and not simply for the unexpired term of his predecessor; and this is true, although his term expired during the recess of the legislature. The clause "until his successor shall be elected and qualified" relates to an omission or neglect in the legislature to elect or an unwillingness or inability of the new appointee to qualify. *Marshall v. Harwood*, 5 Md. 431.

This section referred to in construing article 2, section 15—see notes thereto. *Harman v. Harwood*, 58 Md. 10.

Article 7, section 7, of the constitution of 1851, referred to in construing article 4, section 18, of the constitution of 1851—see notes to article 4, section 41. *Sappington v. Scott*, 14 Md. 54.

See article 15, section 9, of the Maryland constitution.

See article 55 of the Annotated Code.

Sec. 4. There shall be a Commissioner of the Land Office, who shall be appointed by the Governor by and with the advice and consent of the Senate, who shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor shall be appointed and qualified. He shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by Law, and shall also be the Keeper of Chancery Records. He shall receive a salary of One Thousand five hundred dollars *per annum*, to be paid out of the treasury, and shall charge