

In the light of this section it can not be said that the erection of buildings for public school purposes is a matter in which the state has no concern, nor that the creation of a debt for such purposes is not within the ordinary functions of municipal government. The act of 1894, chapter 629, providing for the erection of a public school building in Annapolis and authorizing the school commissioners to borrow money and the city to issue bonds therefor, held valid. *Revell v. Annapolis*, 81 Md. 9.

In obedience to the requirement of this section, the general assembly of 1868 enacted an elaborate statute providing a system of public schools throughout the state—and among other things gave Baltimore city full power to establish a system of free public schools—see article 77, section 121, *et seq.*, of the Annotated Code and notes thereto. See also, notes to article 11, section 8, of the Maryland constitution. *Hooper v. New*, 85 Md. 580.

The public school system as it now exists was framed by the legislature pursuant to the requirements of this article—see notes to article 77, sections 6, 22 *et seq.* See also, notes to article 2, section 15, of the Maryland constitution. *School Commissioners v. Goldsborough*, 90 Md. 201.

For a case involving this article as it stood in the constitution of 1864 and the act of 1865, chapter 160, passed in pursuance thereof, see *School Commissioners v. State Board of Education*, 26 Md. 513.

See article 77 of the Annotated Code.

Sec. 2. The system of Public Schools, as now constituted, shall remain in force until the end of the first session of the General Assembly, and shall then expire, except so far as adopted or continued by the General Assembly.

The system of public schools in force when the constitution of 1867 went into effect contained no provision for the appointment of school commissioners for Baltimore city apart from the ordinance of 1866, which continued in force—see notes to article 11, section 8. This section construed in connection with article 77, section 121, *et seq.*, of the Annotated Code—see notes thereto. *Hooper v. New*, 85 Md. 580.

Sec. 3. The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of education.

This section referred to in deciding that a board of county school commissioners is not liable in an action of tort for negligence, unless such liability is imposed by statute. *Weddle v. School Commissioners*, 94 Md. 344.

## ARTICLE IX.

### MILITIA AND MILITARY AFFAIRS.

Section 1. The General Assembly shall make, from time to time, such provisions for organizing, equipping and discipling the Militia, as the exigency may require and pass such Laws to promote Volunteer Militia Organizations as may afford them effectual encouragement.

See article 65 of the Annotated Code.

Sec. 2. There shall be an Adjutant-General appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office until the appointment and qualification of his successor, or until removed in pursuance of the sentence of a court-martial. He shall perform such duties and receive such compensation or emoluments as are now or may be prescribed by law. He shall discharge the duties