

office was held; and to require such officers to pay the excess into the treasury. *Picking v. State*, 26 Md. 502.

This article referred to in construing article 4, section 11, and article 5, section 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 636 (concurring opinion).

See article 69 of the Annotated Code.

Sec. 2. The several Courts existing in this State at the time of the adoption of this Constitution shall, until superseded under its provisions, continue with like powers and jurisdiction, and in the exercise thereof, both at Law and in Equity, in all respects, as if this Constitution had not been adopted; and when said Courts shall be so superseded, all causes then depending in said Courts shall pass into the jurisdiction of the several Courts, by which they may be respectively superseded.

This section referred to in construing article 15, section 3, and article 4, section 42—see notes to the former. *Smith v. Thursby*, 28 Md. 257.

See article 4 of the Md. constitution and notes to article 4, section 20.

Sec. 3. The Governor and all officers, civil and military, now holding office under this State, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their offices (unless inconsistent with or otherwise provided in this Constitution), until they shall be superseded under its provisions, and until their successors shall be duly qualified.

Under this section, a constable who was in office at the time the constitution of 1867 went into effect continued in office until a new appointment was made in accordance with the new constitution; such new appointment might be made by the mayor and city council of Baltimore in office at the time of the adoption of the constitution of 1867. Hence where the mayor and city council which was in office under the constitution of 1864, on the 8th day of October, 1867, appointed the appellant a constable, such appointment was valid, and the mayor and city council elected under the constitution of 1867 (in effect October 5, 1867) had no power in November, 1867, to appoint the appellee in the appellant's place. How the constitution should be construed. Effect of the adoption of the constitution of 1867. Provisions of the constitution of 1864 continued in force by the constitution of 1867. *Smith v. Thursby*, 28 Md. 255 (*cf.* dissenting opinions.) *Cf.* *State v. Manly*, 1 Md. 135.

This section as it stood in the constitution of 1864, was intended to preserve the machinery of the government in the change from one constitution to another; its operation was not to suspend the authority of the new constitution, but to preserve the officers holding under the old government until their successors were appointed under the new—see notes to article 4, section 5. *Magruder v. Swann*, 25 Md. 213.

In view of this section (as it stood in the constitution of 1851—see article 10, section 8, thereof), there was no necessity for permitting an officer to enter upon his duties before the legislature passed an act relative to his qualification. *Thomas v. Owens*, 4 Md. 216. And see *Robb v. Carter*, 65 Md. 334.

This section (as it stood in the constitution of 1851) was construed to give the judges power to hold the county courts, through the state, and the Baltimore City court, until the election of new judges. This section construed in connection with article 8, section 1, of the constitution of 1851. *State v. Manly*, 1 Md. 140.

This section referred to in construing article 4, section 11, and article 5, section 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 633 (concurring opinion).