

provide by Law, for the impeachment of the Governor; and, in case of his conviction, or his inability, may declare what person shall perform the Executive duties; and for any vacancy in said office not herein provided for, provision may be made by law; and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State for the purpose of filling said vacancy.

Sec. 8. The Governor shall be the Commander-in-Chief of the land and naval forces of the State; and may call out the Militia to repel invasions, suppress insurrections, and enforce the execution of the Laws; but shall not take the command in person, without the consent of the Legislature.

The portion of the act of 1860, chapter 7, commonly known as "The Baltimore Police Bill," providing that the board of police commissioners might call out the militia, held not to be an improper interference with the Governor's prerogatives under this section (as it stood in the constitution of 1851). *Baltimore v. State*, 15 Md. 486.

As to the militia, see article 65 of the Annotated Code.

Sec. 9. He shall take care that the Laws are faithfully executed.

This section referred to in construing article 2, section 15 of the Md. constitution—see notes thereto. *Cull v. Whelple*, 114 Md. 90.

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

Sec. 10. He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for; unless a different mode of appointment be prescribed by the Law creating the office.

The appointing power conferred upon the Governor by article 2, sections 10 and 11, and by article 4, section 5, is original, secondary and special; the original includes all civil and military officers whose appointment or election is not otherwise provided for; the secondary includes all vacancies occurring during the recess of the senate in an office which the Governor has power to fill; the special includes such offices as are particularly provided for in article 4, section 5—see notes to the latter section. *Magruder v. Swann*, 25 Md. 215.

There is no provision or authority for the Governor making an appointment outside of this section and section 13, excepting to fill a vacancy, and these two sections refer to the appointments made by the Governor and senate. This section referred to in construing article 2, section 15—see notes thereto. *Cull v. Whelple*, 114 Md. 90.

This section does not prevent the legislature from providing that appointment to an office created by statute shall be made by a private corporation. *Scholle v. State*, 90 Md. 743; *Davis v. State*, 7 Md. 161.

Under this section, the legislature itself may, in the law creating the offices, designate the officers; how the constitution should be construed. *Baltimore v. State*, 15 Md. 460 (based on constitution of 1851).

Held under the constitution of 1851, that the office of justice of the peace could not be supplied under this section, because article 4, section 19, of said constitution, provided for an election by the people. *Cantwell v. Owens*, 14 Md. 225.

The registry act of 1865, chapter 174, held not to violate this section, since, under the final clause of this section, the legislature may change the mode of appointment. *Anderson v. Baker*, 23 Md. 627.

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

See notes to article 9, section 2, and article 2, sections 11 and 13.