

appointed under the provisions of this section for immorality, misconduct in office, incompetency, or wilful neglect of duty, giving to him a copy of the charges against him and an opportunity of being publicly heard in person or by counsel, in his own defense, upon not less than ten days' notice. If any member shall be removed the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member, and his findings thereon, together with a complete record of the proceedings. Vacancies on the Board for any cause, shall be filled by the Governor, for the unexpired term, and until a successor shall qualify. Any member of the Board shall be eligible for reappointment unless otherwise disqualified by the provisions of this section.

The state board of education is of legislative creation; hence the legislature may modify control or abolish it, and change the manner of appointment of its members. The Governor is authorized under this section to appoint successors to the state board of education without the concurrence of the senate. Although the term of an incumbent has expired, if he holds office until his successor qualifies, there is no vacancy between the expiration of his term and the qualification of his successor. History of this section. Construction of statutes. Mandamus denied. *Purnell v. Shriver*. 125 Md. 267.

See notes to this section in volume 2 of the Annotated Code

1904, art. 77, sec. 6. 1888, art. 77, sec. 6. 1872, ch. 377. 1886, ch. 293. 1888, ch. 58. 1890, ch. 268. 1892, ch. 341. 1898, ch. 445. 1900, ch. 29. 1906, ch. 353. 1916, ch. 506, sec. 6.

6. County Boards of Education shall be composed in the Counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery of six members, and in each of the other counties of three members, who shall be appointed from the citizens of the county by the Governor for a term of six years from the first Monday of May next succeeding their appointment, and they shall hold office until their successors qualify. Provided that the terms of office of persons who are members of the County Boards on April 18, 1916, shall not be affected by its provisions; and provided further in order that the length of the first six regular appointments under this section in the Counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery, and the first three regular appointments in the other counties shall be so designated by the Governor that there shall thereafter be one regular vacancy and one regular appointment each year in the counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery, and one regular vacancy and one regular appointment every two years in each of the other counties, the Governor shall appoint in the first instance only two members in the Counties of Baltimore, Carroll, Frederick, Dorchester, Washington and Montgomery, one of whom he shall designate to hold office for the term of six years, and the other for the term of five years, from the first Monday in May, 1918; and in each of the other counties he shall appoint in the first instance only one member to hold office for the term of six years, from the first Monday in May, 1918; before the first Monday in May, 1920,