

need not be set out *verbatim* on the journals. Although the amendment to this section was not proclaimed until December, 1891, and by its terms an election was directed to be held in November, 1891, county commissioners elected in November, 1891, were subject to the provisions of this section as amended—see note to art. 14, sec. 1. *Worman v. Hagan*, 78 Md. 162.

There is no doubt that the legislature may pass laws not in conflict with the Constitution changing the powers and duties of county commissioners. This section referred to in deciding that the control of the courthouse vested by art. 25, sec. 1, of the An. Code, in the county commissioners, could not be given to the court crier—see notes to art. 8 of the Declaration of Rights. *Prince George's County v. Mitchell*, 97 Md. 336.

Art. 7, sec. 8, of the Constitution of 1851, and the act of 1853, ch. 239, held to repeal the act of 1847, ch. 327, giving the charge of the courthouse of Washington county to the clerk of said county, and to give the county commissioners charge thereof. *Washington County v. Nesbitt*, 6 Md. 471.

For a case dealing with this section as it stood in the Constitution of 1851, but no longer applicable by reason of changes in this section, see *Board of Commissioners, etc., v. Allegany County*, 20 Md. 457.

This section referred to in construing art. 3, sec. 34—see notes thereto. *Bonsal v. Yellott*, 100 Md. 500.

See art. 25 of the An. Code.

Sec. 2. The qualified voters of each County, and of the City of Baltimore shall, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and on the same day in every second year thereafter, elect a Surveyor for each County and the City of Baltimore, respectively, whose term of office shall commence on the first Monday of January next ensuing their election, and whose duties and compensation shall be the same as are now or may hereafter be prescribed by law. And any vacancy in 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 art. 91 of the An. 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. librarian. Held under this section and art. 2, sec. 1, and art. 15, secs. 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