

a term of seven years, from the first Monday in 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 Board, on April 18, 1916, shall not be affected by its provisions; and provided further, in order that the length of term of the first seven regular appointments under this section shall be so designated by the Governor that there shall thereafter be one regular vacancy and one regular appointment each year, the Governor shall appoint in the first instance only three members, one of whom he shall designate to hold office for a term of seven years, one for a term of six years, and one for a term of five years, from the first Monday in May, 1918; before the first Monday in May, 1920, he shall appoint two members for a term of six and seven years, respectively, from the first Monday in May, 1920; and before the first Monday in May, 1922, he shall appoint two members to serve six and seven years, respectively, from the first Monday in May, 1922. Thereafter the term of each member appointed to the Board shall be seven years. The members of the Board shall be appointed solely because of their character and fitness, but no person shall be appointed to the Board who is in any way subject to its authority, and the Governor and the State Superintendent of Schools shall not be members of this board after the first Monday of May, 1918. The Governor may remove any member of the Board 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 legislature may modify control or abolish it, and change manner of appointment of its members. The Governor is authorized under this section to appoint successors to state board of education without concurrence of senate. Although term of an incumbent has expired, if he holds office until his successor qualifies, there is no vacancy between expiration of his term and qualification of his successor. History of this section. Construction of statutes. *Mandamus denied. Purnell v. Shriver*, 125 Md. 267. See notes to sec. 9.

An. Code, sec. 6. 1904, sec. 6. 1888, 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. Pro-