

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

This section referred to in construing art. 2, sec. 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.

This section referred to—see notes to art. 15, sec. 1, of the Constitution. *Schneider v. Yellott*, 124 Md. 98.

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 art. 2, secs. 10 and 11, and by art. 4, sec. 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 art. 4, sec. 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 sec. 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 art. 2, sec. 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.

The office of supervisor of elections is a civil office within the meaning of this section. See notes to art. 33, sec. 1, An. Code. *Riggin v. Lankford*, 134 Md. 153.

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 art. 4, sec. 19, of said Constitution, provided for an election by the people. *Cantwell v. Owens*, 14 Md. 225.

The registry act of 1865, ch. 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 sec. 15—see notes thereto. *Harman v. Harwood*, 58 Md. 10.

See notes to art. 9, sec. 2, and art. 2, secs. 11 and 13, Md. Constitution.

Sec. 11. In case of any vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force until the end of the next session of the Legislature, or until some other person is appointed to the same office, whichever shall first occur; and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the Senate within thirty days after the next meeting of the Legislature.

Construing this section in connection with sec. 10, the legislature may confer upon the Governor the power to appoint to statutory offices or to fill vacancies in such offices without confirmation by the senate. The legislature may modify, control or abolish an office of legislative creation. This section regulates appointments to offices which the Governor and senate together are authorized to fill. Where a man was appointed and confirmed as school commissioner for four years from August 1, 1892, and in the December following he resigned during a recess of the legislature, and the Governor appointed the appellant for the balance of the term, and during the session of the legislature of 1896 the Governor named a person as the appellant's successor but the legislature adjourned without acting on the nomination; and in