

Where the appellee was nominated as tobacco inspector to the senate within fifty days from the commencement of the legislative session and prior to the first Monday of March, 1880, though such nomination was not confirmed by the senate until after said first Monday, the appellee's term of office commenced on the first Monday of March, 1880, and continued for two years, and his confirmation related back to the time of his nomination. Purposes of this section. *Dyer v. Bayne*, 54 Md. 99.

The portion of this section providing that terms of officers shall commence on first Monday of May, referred to in holding that there was no vacancy in office of supervisor of elections. *Munroe v. Wells*, 83 Md. 509.

The first clause of this section applies to all civil officers appointed by the Governor under laws in force at the commencement of the session, but not to appointments under laws passed during the session. *Calvert County v. Hellen*, 72 Md. 605; *Merrill v. Garrett County*, 70 Md. 269.

The tenure of a register in chancery under the Constitution of 1776, dealt with; his bond was only liable whilst the register was lawfully in office, and not for acts done during a period when he holds office without authority. *State v. Wayman*, 2 G. & J. 254.

This section referred to in construing sec. 15—see notes thereto. *Harman v. Harwood*, 58 Md. 10; *School Commissioners v. Goldsborough*, 90 Md. 202.

This section referred to in construing art. 15, sec. 1—see notes thereto, *Picking v. State*, 26 Md. 502.

See notes to art. 2, secs. 11 and 15, and to art. 4, sec. 42, Md. Constitution and to art. 33, sec. 1, An. Code.

Sec. 14. If a vacancy shall occur during the session of the Senate, in any office which the Governor and Senate have the power to fill, the Governor shall nominate to the Senate, before its final adjournment, a proper person to fill said vacancy, unless such vacancy occurs within ten days before said final adjournment.

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

See notes to secs. 13 and 15.

Sec. 15. The Governor may suspend or arrest any military officer of the State for disobedience of orders or other military offence; and may remove him in pursuance of the sentence of a Court Martial; and may remove for incompetency or misconduct all civil officers who received appointment from the Executive for a term of years.

The Governor has no express or implied power to *suspend* police commissioners for Baltimore city pending the trial of charges against them of incompetency and misconduct; nor has the Governor the power to make a temporary appointment to the above office pending an investigation of charges. History of this section. *Cull v. Whettle*, 114 Md. 58.

County school commissioners are not "civil officers" within the meaning of this section or of sec. 13, and hence may not be removed by the Governor for incompetency or misconduct. *School Commissioners v. Goldsborough*, 90 Md. 193; *Sappington v. Slade*, 91 Md. 649; *State Tax Commission v. Harrington*, 126 Md. 160.

The fact that most, if not all, of the officers provided for by the Constitution may be removed under express authority given by the sections dealing with such offices, does not convert such offices from definite terms into terms held at the will of the appointing power; this section and sec. 13 are examples. The secretary of state is included in this section, and hence may only be removed for one of the causes herein set out unless possibly with the consent of the senate without cause. See notes to art. 23, sec. 175, of An. Code 1912 (see foot-note to art. 48A this Code). *Townsend v. Kurtz*, 83 Md. 342.

The power of removal, given the Governor by this section, applies only to such offices as he has power to fill by original appointment for terms of years, and does not embrace justices of the peace. *Cantwell v. Owens*, 14 Md. 225 (based on the Constitution of 1851).

Under this section, the Governor is authorized, for incompetency or misconduct, to remove a "registrar of voters for the fourth election district of Anne Arundel