

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 elected in his place, the latter held his office for two years, and not simply for the unexpired term of his predecessor; and this is true, although his term expired during the recess of the legislature. The clause "until his successor shall be elected and qualified" relates to an omission or neglect in the legislature to elect or an unwillingness or inability of the new appointee to qualify. *Marshall v. Harwood*, 5 Md. 431.

This section referred to in construing art. 2, sec. 15—see notes thereto. *Harman v. Harwood*, 58 Md. 10.

Art. 7, sec. 7, of the Constitution of 1851, referred to in construing art. 4, sec. 18, of the Constitution of 1851—see notes to art. 4, sec. 41. *Sappington v. Scott*, 14 Md. 54.

See art. 15, sec. 9, of the Md. Constitution.

See art. 41, sec. 110, *et seq.*

Sec. 4. There shall be a Commissioner of the Land Office, who shall be appointed by the Governor by and with the advice and consent of the Senate, who 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. He shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by Law, and shall also be the Keeper of Chancery Records. He shall receive a salary of One Thousand five hundred dollars *per annum*, to be paid out of the treasury, and shall charge such fees as are now, or may be hereafter fixed by Law. He shall make a semi-annual report of all the fees of his office, both as Commissioner of the Land Office, and as keeper of the Chancery Records, to the Comptroller of the Treasury, and shall pay the same semi-annually into the Treasury.

Art. 54, sec. 13 of the An. Code (1912) was in conflict with this section and hence void. Constitutional construction—debates. History of this section. *McMullen v. Shepherd*, 133 Md. 158.

The act of 1890, ch. 513, providing for the forfeiture of the property of unknown owners upon their failure to produce evidence of their title, and authorizing the agents of certain counties to make examinations of the records in the land office free of charge, and remitting the sum due by the authorities of a certain county for examinations previously made, held to be void because in violation of art. 23 of the Declaration of Rights, and of art. 3, secs. 29 and 33, of the Constitution. *Scharf v. Tasker*, 73 Md. 381.

This section (as it stood in the Constitution of 1864), in providing for the election of the commissioner of the land office, left his powers and duties completely under the control of the legislature; that officer does not form part of the judiciary under the Constitution of 1864. *Smith v. Devecmon*, 30 Md. 479.

This section referred to in construing art. 2, sec. 15—see notes thereto. *Harman v. Harwood*, 58 Md. 10.

See art. 15, sec. 9, of the Md. Constitution, and art. 54, An. Code.

Sec. 5. The Commissioner of the Land Office shall also, without additional compensation, collect, arrange, classify, have charge of, and safely keep all papers, records, relics and other memorials connected with the early history of Maryland, not belonging to any other office.

See notes to sec. 4.

Sec. 6. The qualified voters of Worcester County shall on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and every two years thereafter, elect a Wreck-Master for said County, whose duties and compensation shall be the same