

ernor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

Sec. 5. A person to be eligible to the office of Governor must have attained the age of thirty years, and must have been for ten years a citizen of the State of Maryland, and for five years next preceding his election a resident of the State, and, at the time of his election, a qualified voter therein.

Sec. 6. In the case of death or resignation of the Governor, or of his removal from the State, or other disqualification, the General Assembly, if in session, or if not, at their next session, shall elect some other qualified person to be Governor for the residue of the term for which the said Governor had been elected.

Sec. 7. In case of any vacancy in the office of Governor, during the recess of the Legislature, the President of the Senate shall discharge the duties of said office, until a Governor is elected, as herein provided for; and in case of the death or resignation of the said President, or of his removal from the State, or of his refusal to serve, then the duties of said office shall, in like manner, and for the same interval, devolve upon the Speaker of the House of Delegates. And the Legislature may provide by Law, for the impeachment of the Governor; and, in case of his conviction, or his inability, may declare what person shall perform the Executive duties; and for any vacancy in said office not herein provided for, provision may be made by law; and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State for the purpose of filling said vacancy.

Sec. 8. The Governor shall be the Commander-in-Chief of the land and naval forces of the State; and may call out the Militia to repel invasions, suppress insurrections, and enforce the execution of the Laws; but shall not take the command in person, without the consent of the Legislature.

The portion of the act of 1860, ch. 7, commonly known as "The Baltimore Police Bill," providing that the board of police commissioners might call out the militia, held not to be an improper interference with the Governor's prerogatives under this section (as it stood in the Constitution of 1851). *Baltimore v. State*, 15 Md. 486.

As to the militia, see art. 65 of the An. Code.

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.