

Sec. 13. All civil officers appointed by the Governor and Senate shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legislature; and their term of office, except in cases otherwise provided for in this Constitution, shall commence on the first Monday of May next ensuing their appointment, and continue for two years, (unless removed from office), and until their successors, respectively, qualify according to Law; but the term of office of the Inspectors of Tobacco shall commence on the first Monday of March next ensuing their appointment.

From the language employed in this section and secs. 11 and 14, it is manifest that the power of appointment to all civil offices was confided not to the Governor alone, but to the Governor and senate; hence the Governor has no power to appoint to office without the advice and consent of the senate, except to fill vacancies which occur during recess of senate, or as provided by sec. 14, within ten days before the senate's final adjournment. See notes to secs. 10 and 15. *Cull v. Whittle*, 114 Md. 90.

In view of this section and of secs. 11 and 14, the Governor has no power to appoint to office without the advice and consent of the senate except to fill vacancies occurring during the recess of the senate or as provided by sec. 14 within ten days before its final adjournment; hence where the appellee was appointed tobacco inspector in January, 1880, and was duly confirmed and qualified, and in February, 1882, the Governor nominated another as inspector, but the nomination was rejected; and on April the 3rd, 1882, the appellant was nominated as inspector, but the legislature adjourned on the same day without acting on his nomination; and thereafter on April 10th the Governor appointed the appellant inspector and issued a commission to him, the appointment of the appellant is void, and the appellee is entitled to the office until his successor is appointed and qualifies in accordance with this section. *Smoot v. Somerville*, 59 Md. 86; *Claude v. Wayson*, 118 Md. 489. *Cf. Kroh v. Smoot*, 62 Md. 175; *Sappington v. Slade*, 91 Md. 649.

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 art. 17, sec. 1, 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 mis-