

terms, and by the use of exact language, the General Assembly committed to *boards* that were called into corporate existence expressly to conduct the school system. As we have pointed out already there is not conferred upon the members of these boards a single power to be exercised by them personally, save the right to administer an oath in matters relating to the schools. A commissioner can do nothing but that which a majority of the board orders, and no matter what his individual views or judgment may dictate he is powerless to put those views or that judgment in force if he happens to be in the minority. Alone he can do nothing—he has no power whatever. The scheme of this legislation was designed to make the management of the schools impersonal; and in no better way could that end have been reached than by creating a body corporate which, and which only was clothed, not only with the title to the school funds and property, but was invested with all the authority needed to make the system harmonious and effective. It could not have been contemplated that the members of the boards were to be independent civil officers or the Legislature would scarcely have disregarded sec. 13 of Art. 2 of the Constitution, and made the tenure six years and fixed the beginning of the term in August.

“But, when, superadded to all this, it is remembered that the county school boards are, themselves, subject, in many respects, to the control of the State Board of Education, which, under *sec. 11, Art. 77 of the Code*, as amended by the *Act of 1898, ch. 221*, has power to enact by-laws for the administration of the public school system and to suspend or remove an examiner elected by the county boards, and which, also, under *sec. 12* has the general care and supervision of the public school interests of the State; it becomes apparent that the agents or individuals selected to be members of these subordinate local school boards were never intended to be, and do not in fact become civil officers, as that term must have been understood by those who adopted the organic law.”

This reasoning was followed in *Clark v. Harford Agri. & Breed. Assoc.*, 118 Md. 608 (1912), in reaching the conclusion that members of the Racing Commission of Harford County were not persons elected or appointed to an “office of profit or trust” within the meaning of Article I, Section 6 of the State Constitution. However, *Howard County Comm. v. Westphal*, 232 Md. 334 (1963), held that membership on the Howard County Metropolitan Commission was an “office of profit or trust” within the meaning of Article 35 of the Declaration of Rights. The argument was made in *Westphal* that, based on the holding of *Goldsborough*, the members of the Commission are not public officers because they corporately exercise the sovereign powers of government entrusted to them as a body corporate rather than in their individual capacities as members of the Commission. In rejecting the argument, the Court of Appeals stated as follows (232 Md. at 340-341):

“The essential question in *Goldsborough* was whether or not a member of a board of county school commissioners was a civil officer subject to removal by the Governor under § 15 of Article II of the Constitution. The holding was that a school commissioner was not such an officer. Insofar as the reasoning in that case rested on the premise that a member of a school board is