

making these appointments the Judges were not performing a judicial function." Id. at 658. Similarly, in Prince George's County v. Mitchell, 97 Md. 330 (1903), the Court declared an act imposing upon the judiciary the responsibility of appointing a custodian of county facilities to be unconstitutional.

Nevertheless, not every statute imposing appointment powers on a judicial officer contravenes Article 8. Code, Article 10, §2, validly requires the Court of Appeals to appoint the members of the State Board of Law Examiners, and Article 41, §155 authorizes the judges of the Court of Appeals to appoint a State library committee. In discussing these and other instances of judicially appointed officers, we have previously noted:

"Not only have such provisions been part of the statutory law of the State at least since 1856, but the Court of Appeals has on numerous occasions passed on these provisions and thus approved of their constitutionality sub silento. See, Norvell v. Safeway Stores, Inc. 212 Md. 14 (1957); Coblentz v. State, 164 Md. 558 (1933); Owens v. Wilmer, ex rel Eastern Short Trust Co., 131 Md. 175 (1917); County Comm'rs. v. Melvin, 107 Md. 533 (1908); County Comm'rs. v. Melvin, 89 Md. 37 (1899). The Revisor's Note to Courts & Judicial Proceedings Article §2-102 indicates that this power is 'based on Article IV, §9 of the Constitution which grants judges broad authority to appoint personnel' and further indicates that 'Article IV, §9 is apparently declarative of the common law' citing Inter alia, Robinson v. Townshed, 3 G&J 413 (1831). Article IV, §9 of the Constitution provides:

"The Judge, or Judges of any Court, may appoint such officers for their respective Courts as may be found necessary; and such officers of the Courts in the City of Baltimore shall be appointed by the Judges of the Supreme Bench of Baltimore City. It shall be the duty of the General Assembly to prescribe, by Law, a fixed compensation for all such officers; and said Judge or Judges shall, from time to time, investigate the expenses, costs and charges of their respective courts, with a view to a change or reduction thereof, and report the result of such investigation to the General Assembly for its action.

"See also County Commission v. Mitchell, *supra*, wherein the Court of Appeals stated: