

## ARTICLE IX.

## MILITIA AND MILITARY AFFAIRS.

Section 1. The General Assembly shall make, from time to time, such provisions for organizing, equipping and disciplining the Militia, as the exigency may require and pass such Laws to promote Volunteer Militia Organizations as may afford them effectual encouragement.

See art. 65 of the An. Code.

Sec. 2. There shall be an Adjutant-General appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office until the appointment and qualification of his successor, or until removed in pursuance of the sentence of a court-martial. He shall perform such duties and receive such compensation or emoluments as are now or may be prescribed by law. He shall discharge the duties of his office at the seat of government, unless absent under orders, on duty; and no other officer of the General Staff of the Militia shall receive salary or pay, except when on service and mustered in with troops.

While the Governor has no power to remove an adjutant-general at his pleasure, with the concurrence of the senate he may appoint a successor, and upon the latter's qualification the prior incumbent's right of office terminates. Under art. 2, sec. 15, the adjutant-general may be removed by the Governor in pursuance of a court-martial. History of this section. *McBlair v. Bond*, 41 Md. 154.

Under this section as it stood in the Constitution of 1864, the Governor could not *per se*, without the advice and consent of the senate, appoint a successor to the incumbent but such incumbent might be superseded by the concurrent action of the Governor and senate. In the event of the resignation, death or removal of the adjutant-general during the recess of the senate, the Governor would have the right to issue a temporary commission because such vacancy would be one which he was authorized to fill—see notes to art. 4, secs. 5 and 12. *Magruder v. Swann*, 25 Md. 215; *Watkins v. Watkins*, 2 Md. 353 (dealing with the Constitution of 1851).

See notes to art. 2, sec. 11.

Sec. 3. The existing Militia Law of the State shall expire at the end of the next session of the General Assembly, except so far as it may be re-enacted, subject to the provisions of this Article.

## ARTICLE X.

LABOR AND AGRICULTURE.<sup>1</sup>

Section 1. There shall be a Superintendent of Labor and Agriculture elected by the qualified voters of this State at the first General Election for Delegates to the General Assembly, after the adoption of this Constitution, who shall hold his office for the term of four years, and until the election and qualification of his successor.

<sup>1</sup>As to hours of labor, see art. 100; as to agriculture, see art. 2A, An. Code.

Sec. 2. His qualifications shall be the same as those prescribed for the Comptroller; he shall qualify and enter upon the duties of his office on the second Monday of January next succeeding the time of his election; and a vacancy in the office shall be filled by the Governor for the residue of the term.

Sec. 3. He shall perform such of the duties now devolved by Law upon the Commissioner of Immigration, and the Immigration Agent, as will promote the object for which those officers were appointed, and such other duties as may be assigned to him by the General Assembly, and

<sup>1</sup> This article expired by limitation.