

ceding, in the city or county, for which they may be elected. They shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe. Each of said Judges shall be paid a *per diem* for the time they are actually in session, to be regulated by Law, and to be paid by the said city or counties, respectively. In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the same for the residue of the term.

Under this section, the legislature may not only make changes in the powers which the orphans' court had at the time the Constitution of 1867 was adopted, but also may confer additional powers upon them or take away powers which they then possessed. The act of 1908, ch. 125, authorizing orphans' courts to grant letters upon estates of persons supposed to be dead because of absence for more than seven years, upheld. *Savings Bank v. Weeks*, 110 Md. 92.

The "vacancy" referred to in this section is a vacancy occurring after an election by the people; hence where the house of delegates acting under sec. 12 decides that a person other than the incumbent is entitled to an office, there is no vacancy within the meaning of this section which the Governor may fill, but the house must order a new election under sec. 12; the incumbent holds until some other person has been elected by the people and qualified. *Ijams v. Duvall*, 85 Md. 261. And see *Wells v. Munroe*, 86 Md. 448.

Art. 4, sec. 17, of the Constitution of 1851, compared with, and referred to in construing, art. 4, sec. 14, of that Constitution—see notes to sec. 25. *Sansbury v. Middleton*, 11 Md. 317.

Secs. 25 and 26 of art. 4, of the Constitution of 1851, compared with sec. 19 of art. 4, of said Constitution—see notes to art. 4, sec. 43. *Cantwell v. Owens*, 14 Md. 226.

Cited in *Quenstedt v. Wilson*, 173 Md. 20.

See notes to art. 23 of Declaration of Rights.

See art. 93, sec. 238, *et seq.*, of the An. Code.

Sec. 41. There shall be a Register of Wills in each county of the State, and the City of Baltimore, to be elected by the legal and qualified voters of said counties and city, respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty, or misdemeanor in office in the same manner that the Clerks of the Courts are removable. In the event of any vacancy in the office of the Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court, in which such vacancy occurs, until the next general election for Delegates to the General Assembly, when a Register shall be elected to serve for six years thereafter.

Under art. 4, sec. 18, of the Constitution of 1851, a register of wills held over at the expiration of his term until his successor qualified. *Sappington v. Scott*, 14 Md. 52.

See notes to sec. 40.

See art. 93, sec. 273, *et seq.*, of the An. Code.

Part V-A:—People's Courts.

[Sec. 41-A. There is hereby created a People's Court of Baltimore City. Said Court shall consist originally of a Chief Judge and two Associate Judges; the number of such Judges may thereafter be increased or decreased by the General Assembly by law but no such decrease shall affect the term of any Judge then in office or his right to stand for election for further terms as hereinafter provided. The Judges of said Court shall have the qualifications prescribed by Section 2 of this Article and shall have practiced law in the City of Baltimore for a total period of at least five years; shall hold office subject to the provisions of Sections 3 and 4 of this Article with regard to retirement and removal from office; and shall receive from the Mayor and City Council of Baltimore City such compensation as shall be fixed by law by the General Assembly, which shall not be diminished during continuance in office.