

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.

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<sup>1</sup> 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<sup>1</sup>; he shall be re-eligible, and subject at all times to removal for willful 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.<sup>2</sup>

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*Part VI—Justices of the Peace.*

SEC. 42. The Governor, by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace and the County Commissioners of the several counties, and the Mayor and City Council of Baltimore, respectively, shall appoint such number of Constables, for the several election districts of the counties and wards of the city of Baltimore, as are now or may hereafter be prescribed by law; and Justices of the Peace and Constables so appointed shall be subject to removal by the judge or judges having criminal jurisdiction in the county or city, for incompetency, willful neglect of duty or misdemeanor in office, on conviction in a court of law. The Justices of the Peace and Constables so appointed and commissioned shall be conservators of the peace; shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal in all cases from the judgment of Justices of the Peace, as hath been heretofore exercised, or shall be hereafter prescribed by law.

SEC. 43. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace for the residue of the term; and in case of a vacancy in the office of Constable, the County

<sup>1</sup> Amended by Article XVII, Section 1.

<sup>2</sup> Cf. *Supra*.