

filled, such offices may in such case be filled by persons otherwise qualified residing in another precinct of the same ward.

For a case upholding the constitutionality of the act of 1890, ch. 538, (requiring county commissioners to appoint judges of election), see *Lankford v. Somerset County*, 73 Md. 107.

1904, art. 33, sec. 8. 1896, ch. 202, sec. 8.

8. Each supervisor shall have a veto upon the proposed selection or nomination of any judge or clerk; and if in any case, in consequence of such veto, the board of supervisors cannot agree upon an appointment, then the supervisor or supervisors belonging to the political party entitled to be represented by the judge or clerk in question shall name three men who are eligible, and from these the other supervisor or supervisors shall select such judge or clerk.

Under the act of 1890, ch. 538, and the act of 1892, ch. 701, if all the supervisors do not agree as to the appointment of a ballot clerk, then the representative of the party entitled to name such clerk may name three eligibles, and the supervisors must select one of the three. If they fail to do so, *mandamus lies*. *Sudler v. Lankford*, 82 Md. 146.

*Ibid.* sec. 9. 1896, ch. 202, sec. 9.

9. Each person selected as judge or clerk by the board of supervisors shall be promptly notified of the fact of his selection, with directions to appear within the time fixed in the notice before the board for the purpose of examination; and if, upon examination, he is found qualified, he shall, unless excused by the supervisors for good cause, be appointed by the supervisors and shall be bound to serve as such officer for the term of one year. The supervisors shall keep books in which shall be written down the names of all the judges and clerks so appointed, the date and manner of notice to them to appear, and whether or not they appear, and, if appearing, whether they were appointed, rejected or excused, and if rejected or excused, the reasons therefor. No person shall be compelled to serve as judge or clerk for one year after the expiration of his term of service, and all persons so serving shall be exempt from jury duty during the term of their service and for one year thereafter. Any person so selected and notified to appear for examination who shall not appear before the board as required, or shall refuse to serve, shall be fined not less than one hundred dollars nor more than three hundred dollars, unless it shall appear that he was not qualified for such service by reason of ill-health, infirmity or old age. It shall be the duty of the supervisors to notify the state's attorney of the county or city of Baltimore of the failure, refusal or neglect of any person, and to require the state's attorney to institute proceedings for such penalty at the next term of court. The state's attorney shall receive a fee of fifty dollars for every penalty recovered by him, to be paid out of the sum actually recovered, whether the proceedings for the recovery of such penalty shall be instituted of his own motion or at the instance of said supervisors.