

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, wilful 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.

Justices of the peace.

Since this section creates a term of two years for justices, and by article 2, section 13, it is provided that the terms of civil officers, unless otherwise provided by law, shall commence on the first Monday of May, a justice of the peace can not by qualifying prior to the first Monday of May, alter the beginning of his term; since the act of 1912, chapter 823, popularly known as the "People's Court Act," making changes in the fee table of justices of the peace, went into effect before the first Monday of May, it does not violate article 3, section 35; nor is the said act void because the salaries of some of the justices are higher than others or because a constitutional office is virtually abolished. The portion of the act of 1912 providing for the appointment of magistrates at large does not violate this section. History of this section. The act of 1912 held valid as to justices of the peace, but void as to constables. *Levin v. Hewes*, 118 Md. 636.

Since this section expressly provides that justices of the peace shall hold their office for two years, they do not hold over under article 2, section 13, until their successors qualify. Article 2, section 13, is not to be read into this section. *Obiter dictum* in *Taylor v. Hebden*, 24 Md. 202, overruled. Justices of the peace whose terms had expired continue as *de facto* officers until their successors were appointed and qualified. History of this section. *Claude v. Wayson*, 118 Md. 482.

The act of 1900, chapter 147, regulating the compensation of justices of the peace in Baltimore county, held not to violate this section. *Herbert v. Baltimore County*, 97 Md. 642.

Under this section and article 2, section 13, and article 15, section 3, as they stood in the constitution of 1864, it was held that justices of the peace who were elected in November, 1863, and in office when the constitution of 1864 was adopted, continued to hold until there were regular appointments by the governor and senate superseding them. The concurrent act of the senate must be at a regular, and not a special, session of the legislature. *Taylor v. Hebden*, 24 Md. 212 (overruled in part in *Claude v. Wayson*, 118 Md. 486).

The act of 1854, chapter 138, which attempted to abridge the right of appeal from justices of the peace in civil cases, held void under article 4, section 19, of the constitution of 1851. *State v. Mace*, 5 Md. 349.

Constables.

This section not only declares how constables shall be appointed, but fixes the term of office for two years and provides for their removal; hence the legislature, while it may regulate the number of constables for Baltimore city and the election districts of the counties, can not in so doing revoke an appointment or diminish the term of office of a constable already lawfully appointed. This rule is not altered by the fact that a constable has not qualified; a commission or certificate of appointment is not in such cases necessary to complete the appointment and is only additional evidence thereof. The act of 1912, chapter 823, popularly known as the "People's Court Act," held not to annul the appointment of a constable appointed prior thereto. The "mayor and city council of Baltimore" re-