

ferred to in this section is the municipality in its corporate capacity, and the power of appointment given it must be exercised by ordinances; hence the act of 1912, chapter 823, in so far as it attempts to substitute an appointment by the mayor confirmed by one branch of the council, is unconstitutional. *Little v. Schull*, 118 Md. 460; *Levin v. Hewes*, 118 Md. 646.

The legislature has the power to change at any time the duties and compensation of constables, and may delegate such power to the mayor and city council of Baltimore. Ordinance No. 87, approved March 12, 1912, held valid. *Gould v. Baltimore*, 120 Md. 537.

Generally.

Justices of the peace and constables are merely peace officers. The authorities of Baltimore city held to be authorized to create an additional police force. Police bill, upheld. *Baltimore v. State*, 15 Md. 465 (based on article 4, section 19, of the constitution of 1851).

This section referred to in sustaining an indictment against a constable for malfeasance in office. *Mohler v. State*, 120 Md. 326.

Article 4, section 19, of the constitution of 1851, referred to in construing article 4, section 18, of the constitution of 1851—see notes to section 41. *Sappington v. Scott*, 14 Md. 52.

This section as it stood in the constitution of 1864, referred to in construing article 4, sections 33 and 34 of that constitution—see notes to section 28. *Reese v. Hawks*, 63 Md. 133.

See notes to article 15, section 3, and to article 4, sections 1 and 43.

See articles 52 and 20 of the Annotated Code.

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 Commissioners of the county in which the vacancy occurs, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable for the residue of the term.

Construing article 4, section 19, of the constitution of 1851, it was held that a justice of the peace appointed by the governor to a vacancy, held until the next regular election of justices of the peace, and that the appointment must be made by the governor alone and not by the governor and senate under article 2, section 11. Article 4, section 19, of the constitution of 1851, contrasted with article 4, sections 25 and 26, of said constitution. *Cantwell v. Owens*, 14 Md. 225.

This section referred to in construing article 15, section 3, and article 4, section 42—see notes to the former. *Smith v. Thursby*, 28 Md. 268 (dissenting opinion).

See notes to section 42.

Part VII:—*Sheriffs.*

Sec. 44. There shall be elected in each County, and in the City of Baltimore, in every second year, one person, resident in said County or City, above the age of twenty-five years, and at least five years preceding his election, a citizen of this State, to the office of Sheriff. He shall hold his office for two years, and until his successor is duly elected and qualified; shall be ineligible for two years thereafter; shall give such bond, exercise such powers, and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, resignation, refusal to serve, or neglect to qualify, or give bond, or by disqualifica-