

dollars for every such neglect, unless prevented by sickness or other sufficient cause, in the opinion of the court and jury before whom he shall be tried.

P. G. L., (1860,) art. 35, sec. 6. 1805, ch. 97, sec. 8. 1860, ch. 10, sec. 3.  
1867, ch. 374. 1884, ch. 112.

**45.** At any election, federal, State or county, hereafter held in this State, if any one or two of the judges so appointed shall fail to attend at the place of election at the time prescribed for opening the election, the county commissioners, or a majority of them, shall appoint a judge or judges in the place of the judge or judges failing to attend; provided, that one of the three judges shall always be of a different political party from themselves, or a majority of themselves; and in case the said commissioners, or a majority of them, cannot be convened, or do not fill such vacancy before the hour for opening the election, the remaining judges or judge who shall so attend shall appoint a judge or judges in the place of the judge or judges failing to attend; the judge or one of the judges so appointed to be of a different political party from that of the judge or judges so appointing, if both are of the same party; if none of the judges appointed by the county commissioners shall attend at the place of election at the time prescribed for opening the election, it shall be lawful for the justices of the peace for the said county there present, or a majority of them, or for one such justice of the peace, if only one be present, to appoint three reputable persons who are voters and residents of the voting precinct or district, to act as judges in the place of those failing to attend; and in case no such justice of the peace is present, then a majority of the voters present shall select by ballot three persons as aforesaid, to act as judges in the place of those failing to attend, and the judges so appointed shall be vested with the same power and authority, and be subject to the same penalties and responsibilities, as if they had been appointed by the county commissioners; provided, that nothing herein contained shall be construed to apply to Baltimore city.

Ibid. sec. 7. 1805, ch. 97, sec. 6.

**46.** The said judges shall be conservators of the peace during the continuance of the election and until the ballots shall be counted, and the necessary certificates required by this article