

revealed: *Provided*, nothing herein contained shall be construed to alter, change or amend, in any manner, the section in relation to banks.

Sec. 52. The governor, comptroller and treasurer of the State are hereby authorized, conjointly, or any two of them, to exchange the State's interest as stockholder and creditor in the Baltimore and Ohio railroad company for an equal amount of the bonds or registered debt now owing by the State; and subject to such regulations and conditions as the general assembly may from time to time prescribe, to sell the State's interest in the other works of internal improvement, whether as a stockholder or a creditor; also, the State's interest in any banking corporation, and receive in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest; *Provided*, that the interest of the State in the Washington branch of the Baltimore and Ohio railroad be reserved and excepted from sale; and, *provided further*, that no sale or contract of sale of the State's interest in the Chesapeake and Ohio canal, the Chesapeake and Delaware canal, and the Susquehanna and Tide-Water canal companies shall go into effect until the same shall be ratified by the ensuing general assembly.

Sec. 53. The general assembly before authorizing the sale of the State's interest in the Chesapeake and Ohio canal, and before prescribing regulations and conditions for said sale, shall pass all laws that may be necessary to authorize the counties of Allegany, Washington, Frederick and Montgomery, or any one of them, to create a debt by the issue of bonds or otherwise, so as to enable them, or any of them to become the purchasers of said interest.

Sec. 54. The general assembly shall have power to regulate by law, not inconsistent with this constitution, all matters which relate to the judges of election, time, place and manner of holding elections in this State, and of making returns thereof.

Sec. 55. The general assembly shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested by this constitution, in any department or office of the government, and the duties imposed upon them thereby.

## ARTICLE IV.

### JUDICIARY DEPARTMENT.

#### *Part I.—General Provisions.*

Section 1. The judicial power of this State shall be vested in a court of appeals, circuit courts, orphans' courts, such courts for the city of Baltimore as may be hereinafter prescribed or provided for, and justices of the peace; all said courts shall be courts of record, and each shall have a seal, to be used in the authentication of all process issuing from

them. The process and official character of justices of the peace shall be authenticated as hath heretofore been practiced in this State, or may hereafter be prescribed by law.

Sec. 2. The judges of the several courts, except the judges of the orphans' courts, shall be citizens of the United States, and residents of this State, not less than five years next preceding their election, or appointment by the executive in case of a vacancy; and not less than one year next preceding their election or appointment, residents in the judicial district or circuit, as the case may be, for which they may be elected or appointed; they shall be not less than thirty years of age at the time of their election, and selected from those who have been admitted to practice law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.

Sec. 3. The judges of the court of appeals shall be elected by the qualified voters of the State; and the governor, by and with the advice and consent of the senate, shall designate the chief justice; and the judges of the judicial circuits shall be elected by the qualified voters of their respective circuits; each judge of the court of appeals and of each judicial circuit shall hold his office for the term of fifteen years, from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after.

Sec. 4. Any judge shall be removed from office by the governor on conviction in a court of law, of incompetency, of wilful neglect of duty, misbehavior in office, or any other crime; or on impeachment according to this constitution, or the laws of the State; or on the address of the general assembly, two-thirds of each house concurring in such address, and the accused having been notified of the charges against him, and had opportunity of making his defence.

Sec. 5. In case of the death, resignation, removal, or other disqualification of a judge of any court of this State, except of the orphans' courts, the governor, by and with the advice and consent of the senate, shall thereupon appoint a person duly qualified to fill said office until the next general election thereafter, whether for members of the general assembly or county officers, whichever shall first occur, at which time an election shall be held as herein prescribed, for a judge who shall hold said office for the term of fifteen years, and until the election and qualification of his successor.

Sec. 6. All judges shall, by virtue of their offices, be conservators of the peace throughout the State, and no fees or perquisites, commission or reward of any kind, shall be allowed to any judge in this State, besides his annual salary or fixed per diem for the discharge of any judicial duty.