

Headnotes	Present Constitution	Constitution of 1867	Constitution of 1864	Constitution of 1851	Constitution of 1776	Amendments to 1776 Constitution
<p>Judicial vacancies: Procedure for filling.</p>	<p>(d) This section is alternative to, and cumulative with, the methods of retirement and removal, provided in Sections 3 and 4 of this Article, and in Section 26 of Article III of this Constitution.</p> <p>Sec. 5. Upon every occurrence or recurrence of a vacancy through death, resignation, removal, disqualification by reason of age or otherwise, or expiration of the term of fifteen years of any judge, or creation of the office of any judge, or in any other way, the Governor shall appoint a person duly qualified to fill said office, who shall hold the same until the election and qualification of his successor; except that when a vacancy shall exist in the office of Chief Judge of the Supreme Bench of Baltimore City, the Governor may designate an Associate Judge of said Supreme Bench as Chief Judge of said Supreme Bench, and such appointee as Chief Judge shall hold such office for the residue of the term for which he was last elected an Associate Judge of said Supreme Bench. His successor shall be elected at the first biennial general election for Representatives in Congress after the expiration of the term of fifteen years (if the vacancy occurred in that way) or the first such general election after one year after the occurrence of the vacancy in any other way than through expiration of such term. Except in case of reappointment of a judge upon expiration of his term of fif-</p>	<p>Sec. 5. After the election for Judges, to be held as above mentioned, upon the expiration of the term, or in case of the death, resignation, removal, or other disqualification of any Judge, the Governor shall appoint a person duly qualified to fill said office, who shall hold the same until the next general election for members of the General Assembly, when a successor shall be elected, whose tenure of office shall be the same, as hereinbefore provided; but if the vacancy shall occur in the city of Baltimore, the time of election shall be the fourth Wednesday in October following.</p>	<p>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.</p>	<p>Sec. 25. In case of the death, resignation, removal, or other disqualification of a judge of any of the courts of law, 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 for delegates thereafter; at which time an election shall be held as hereinbefore prescribed, for a judge, who shall hold the said office for ten years, according to the provisions of this Constitution.</p>	<p><b>Declaration of Rights, art. 30.</b> That the independence and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the chancellor and all judges ought to hold commissions during good behaviour, and the said chancellor and judges shall be removed for misbehaviour on conviction in a court of law, and may be removed by the governor upon the address of the general assembly, provided that two thirds of all the members of each house concur in such address. That salaries liberal but not profuse ought to be secured to the chancellor and the judges during the continuance of their commissions, in such manner and at such time as the legislature shall hereafter direct upon consideration of the circumstances of this State. No chancellor or judge ought to hold any other office civil or military, or receive fees or perquisites of any kind.</p>	<p><b>Proposed by Act of 1840, chapter 230. Ratified 1841.</b></p> <p>Sec. 3. The provisions of the fourteenth and fifteenth sections of the Act of December session of the year eighteen hundred and thirty six, Chapter 197, be and the same are hereby declared to extend to the offices of the Judges of the several Judicial districts of this State, and to all other offices of this State known to the Constitution, concerning the appointment of which no other mode shall have been or may hereafter be provided, so as to authorize the Governor to nominate, and by and with the advice and consent of the Senate to appoint, to said offices, in case of vacancies occurring therein; and to fill any vacancies that may occur during the recess of the Senate, by granting commissions, which shall expire on the appointment of the same person, or of any other person, by and with the advice and consent of the Senate, to the said offices, or at the expiration of one calendar month ensuing the commencement of the next regular session of the Senate whichever shall first occur.</p>