

COMPARISON OF CONSTITUTIONS

PROPOSED CONSTITUTION OF 1968

CONSTITUTION OF 1867

Section 5.05. Chief Judge of Court of Appeals.

The governor shall fill a vacancy in the office of chief judge of the Court of Appeals by designating one of the judges of the Court of Appeals to be chief judge for the remainder of his service on the Court, or until he resigns the office of chief judge. The associate judge senior in service on the Court of Appeals shall have the powers and duties of the office when the chief judge is absent, or when the Court of Appeals determines that he is unable to serve, or when the office is vacant.

Intermediate Appellate Court

Section 5.06. Jurisdiction.

The Intermediate Appellate Court shall have the jurisdiction prescribed by law.

Section 5.07. Composition.

The Intermediate Appellate Court shall consist of five judges, unless the number is increased by law. The Intermediate Appellate Court may sit in divisions. At least three judges shall sit in each case.

Superior Court

Section 5.08. Jurisdiction.

The Superior Court shall have original ju-

Five of the judges shall constitute a quorum, and five judges shall sit in each case unless the Court shall direct that an additional judge or judges sit for any case. The concurrence of a majority of those sitting shall be sufficient for the decision of any cause, and an equal division of those sitting in a case has the effect of affirming the decision appealed from if there is no application for re-argument as hereinafter provided. In any case where there is an equal division or a three to two division of the Court a re-argument before the full Court of seven judges shall be granted to the losing party upon application as a matter of right.

Sec. 14. . . . One of the Judges of the Court of Appeals shall be designated by the Governor as the Chief Judge. . . .

Sec. 18A. . . . In the absence of the Chief Judge of the Court of Appeals the provisions of this section shall be applicable to the senior judge present in said Court of Appeals. . . .

Sec. 14A. The General Assembly may by Law create such intermediate courts of appeal, as may be necessary. The General Assembly may prescribe the intermediate appellate jurisdiction of these courts of appeal, and all other powers necessary for the operation of such courts.

Sec. 14A. The General Assembly may by Law create such intermediate courts of appeal, as may be necessary. . . .

Sec. 14B. No member of the General Assembly at which the addition of Section 14A was proposed, if otherwise qualified, shall be ineligible for appointment or election as a judge of any intermediate court of appeal, established by law by the General Assembly pursuant to said Section 14A, by reason of his membership in such General Assembly.

Part III. Circuit Courts.

Sec. 19. The State shall be divided into eight Judicial Circuits, in manner following,