

JUDICIARY DEPARTMENT.

Mr. STOCKBRIDGE, from the committee on the judiciary department, submitted the following report :

ANNAPOLIS, August 6, 1864.

The committee appointed to consider and report upon the judiciary system of the State, respectfully submit the following report, and recommend the adoption of the same as article IV of the constitution.

H. STOCKBRIDGE, Chairman
Com. on Jud'y Dep't.

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 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 associated judges of the orphans' courts, shall be citizens of the United States, and of this State, not less than five years next preceding their appointment, and not less than one year next preceding their appointment resident in the judicial district or circuit, as the case may be, for which they may be appointed. They shall be not less than thirty years of age at the time of their appointment, 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 shall be appointed, commissioned and designated as chief or associated justices by the governor, with the advice and consent of the senate. Each judge shall hold his office during good behavior, or until he shall attain the age of sixty years, when in the discretion of the governor, by and with the advice and consent of the senate, he may be reappointed for a term not exceeding ten years, after which he shall not be reappointed.

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, 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. All judges shall, by virtue of their offices, be conservators of the peace through-

out 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.

Sec. 6 No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as now are or may hereafter be prescribed by law, or where he shall have been of counsel in the case.

Sec. 7. The judge or judges of any court may appoint such subordinate officers for their respective courts as may be found necessary, but none other; and no crier shall be appointed in any court, but clerks or assistant clerks, sheriffs or their deputies, or bailiffs, as the court directs, shall, without additional compensation, perform the duties heretofore performed by clerks.

Sec. 8. The clerks of the several courts created or continued by this constitution, shall have charge and custody of the records and other papers, shall perform all the duties and be allowed the fees which appertain to their several offices, as the same now are or may hereafter be regulated by law.

Sec. 9. The legislature shall provide for the trial of causes in case of the disqualification of all of the judges of the circuit, but the parties to any cause may, by consent, appoint a proper person to try said cause, and may try any cause before the court without the intervention of a jury.

Sec. 10. The judge or judges of any court of this State, except the court of appeals, may order and direct the record of proceedings in any suit or action, issue or petition, presentment or indictment pending in such court, to be transmitted to some other court in the same or an adjoining circuit having jurisdiction in such causes, whenever any party to such cause, or the counsel of any party, shall make it satisfactorily appear to the court that such party has a substantial ground of action or defence, and cannot have a fair and impartial trial in the court in which such suit or action, issue or petition, presentment or indictment is pending; and the general assembly shall make such modifications of existing law as may be necessary to regulate and give force to this provision.

Sec. 11. Every person of good moral character, being a voter, shall be admitted to practice law in all the courts of this State in his own case.

PART II.

Court of Appeals.

Sec. 12 The court of appeals shall consist of a chief justice and four associate justices, and for their selection the State shall be divided into five judicial districts as follows, viz: Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne, Kent and Cecil coun-