

CONSTITUTIONAL REVISION STUDY DOCUMENTS

Headnotes	Present Constitution	Constitution of 1867	Constitution of 1864
	mediate appellate jurisdiction of these courts of appeal, and all other powers necessary for the operation of such courts.		
Members of General Assembly creating Intermediate Court of Appeals: Eligible for appointment to that Court.	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.		
Court of Appeals: Disqualification of judge; filing of opinion; finality of judgment.	Sec. 15. Any judge of the Court of Appeals or of an intermediate court of appeal who heard the cause below either as a trial judge or as a judge of any intermediate court of appeal as the case may be shall not participate in the decision. In every case an opinion, in writing, shall be filed within three months after the argument, or submission of the cause; and the judgment of the Court of Appeals shall be final and conclusive.	Sec. 7. 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. 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.

[JUDICIAL BRANCH]

COMPARISON

Constitution of 1851	Constitution of 1776	Amendments to 1776 Constitution
Sec. 5. No Judge of the Court of Appeals 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 may be prescribed by law, or when he shall have been of counsel in said case; when the Court of Appeals, or any of its members shall be thus disqualified to hear and determine any case or cases in said court, so that by reason thereof no judgment can be rendered in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of said case or cases.		Proposed by Act of 1804, chapter 55. Ratified 1805. Sec. 5. . . . and the Judge who has given a decision in any case in the County Court shall withdraw from the Bench upon the deciding of the same case before the Court of Appeals;