

A borrower, since the act of 1845, chapter 352, may maintain his bill in equity, if filed in a reasonable time, for relief against usury—see article 49, section 4, of the Annotated Code and notes thereto. *Scott v. Leary*, 34 Md. 398.

Cited but not construed in *Baltimore v. State*, 15 Md. 468.
See article 49 of the Annotated Code.

Sec. 58. The Legislature, at its first session after the ratification of this Constitution, shall provide by Law for State and municipal taxation upon the revenues accruing from business done in the State by all foreign corporations.

Sec. 59. The office of "State Pension Commissioner" is hereby abolished; and the Legislature shall pass no law creating such office, or establishing any general pension system within this State.

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 are hereinafter 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 therefrom. 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.

Since the adoption of the constitution of 1851, the legislature has had no power to appoint a justice of the peace, nor may it vest judicial power in any officer other than those enumerated in this section. A justice of the peace has functions which are not judicial, such as his police powers as conservator of the peace. *Hagerstown v. Dechert*, 32 Md. 383.

The power of the mayor of Hagerstown to try and fine disorderly persons, etc., under a municipal ordinance, held not to be denied by this section; such power is not a part of the judicial power of the state, but of the police power. Nature and extent of the police power. *Shafer v. Mumma*, 17 Md. 335.

See notes to section 14.

See article 15, section 2, of the Maryland constitution.

See article 26 of the Annotated Code.

Sec. 2. The Judges of all of the said Courts shall be citizens of the State of Maryland, and qualified voters under this Constitution, and shall have resided therein not less than five years, and not less than six months next preceding their election or appointment in the judicial circuit, as the case may be, for which they may be respectively elected or appointed. They shall be not less than thirty years of age at the time of their election or appointment, and shall be 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.

See article 33 of the declaration of rights.