

COMPARISON OF CONSTITUTIONS

PROPOSED CONSTITUTION OF 1968

CONSTITUTION OF 1867

ARTICLE 5. JUDICIAL BRANCH

Section 5.01. Judicial Power.

The judicial power of the State shall be vested exclusively in a unified judicial system composed of the Court of Appeals, the Intermediate Appellate Court, the Superior Court, and the District Court.

Court of Appeals

Section 5.02. Jurisdiction.

The Court of Appeals shall be the highest court of the State and shall have the appellate jurisdiction prescribed by law and the original jurisdiction prescribed by this Constitution.

Section 5.03. Rule-Making Power.

The Court of Appeals shall have power to prescribe rules governing practice and procedure in all courts; governing the admission of persons to practice law in this State and their discipline; and governing the administration of the courts, officers of the judicial branch, and officers of the executive branch to the extent that their duties directly relate to the enforcement of judicial orders. The General Assembly shall have concurrent power to regulate by law the matters enumerated in this section, except when these matters are

in the name of the State, for such sums of money as may be collected by him, and forthwith make return of and pay over the same to the proper accounting officer. And the State's Attorney of each county, and the City of Baltimore, before he shall enter on the discharge of his duties, and from time to time thereafter, shall give such corporate surety bond as may hereafter be prescribed by Act of the General Assembly.

See Art. 8, Declaration of Rights, at Section 3.01 for separation of powers.

ARTICLE IV. JUDICIARY DEPARTMENT.

Part I. General Provisions.

Section 1. The judicial power of this State shall be vested in a Court of Appeals, and such intermediate courts of appeal, as shall be provided by law by the General Assembly, 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.

Sec. 14. . . . The jurisdiction of the Court of Appeals shall be co-extensive with the limits of the State and such as now is or may hereafter be prescribed by law. . . .

Sec. 15. . . . and the judgment of the Court of Appeals shall be final and conclusive.

Sec. 18. It shall be the duty of the Judges of the Court of Appeals to make and publish rules and regulations for the prosecution of appeals to the appellate Courts, whereby they shall prescribe the periods within which appeals may be taken, what part or parts of the proceedings in the Court below shall constitute the record on appeal, and the manner in which such appeals shall be brought to hearing or determination, and shall regulate, generally, the practice of said Court of Appeals and any intermediate courts of appeal so as