

COMPARISON OF CONSTITUTIONS

PROPOSED CONSTITUTION OF 1968

CONSTITUTION OF 1867

Section 5.11. Composition.

The District Court shall consist of the number of judges prescribed by law. The State shall be divided by law into districts. Each district shall consist of one county or two or more entire and adjoining counties. The number of judges shall be allocated among the districts by law. At least one district court judge shall reside in each county. Functional divisions of the District Court may be established in any district.

Section 5.12. Commissioners.

There may be district court commissioners in the number and with the qualifications prescribed by rule. Commissioners in a district shall be appointed by and serve at the pleasure of that judge of the District Court who shall be designated by rule to appoint commissioners therein. Commissioners may exercise powers only with respect to warrants of arrest, or bail or collateral or other terms of pre-trial release pending hearing, or incarceration pending hearing, and then only as prescribed by rule.

Sec. 41A. There is hereby created a People's Court of Baltimore City. Said Court shall consist originally of a Chief Judge and two Associate Judges; the number of such Judges may thereafter be increased or decreased by the General Assembly by Law but no such decrease shall affect the term of any Judge then in office or his right to stand for election for further terms as hereinafter provided. . . .

Sec. 41B. The General Assembly shall have power by Law to establish a People's Court in any county, or any part thereof, incorporated city or town in this State, except Baltimore City, and to prescribe and from time to time to alter (1) the number, qualifications, tenure, and method of selection of the Judges of any such Court, and their powers, duties and compensation, except that the term of office or compensation of any Judge shall not be reduced during his continuance in office; . . .

Part V.B. Municipal Court.

Sec. 41C. (a) There is hereby created a Municipal Court of Baltimore City. Said Court shall consist originally of eleven Judges; the number of such Judges may thereafter be increased or decreased by the General Assembly by Law, but no such decrease shall affect the term of any Judge then in office or his right to stand for election for further terms as hereinafter provided. . . .

Part VI. Justices of the Peace.

Sec. 42. The Governor, by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace, and the County Commissioners of the several counties, and the Mayor and City Council of Baltimore, respectively, shall appoint such number of Constables, for the several Election Districts of the Counties, and Wards of the City of Baltimore, as are now, or may hereafter be prescribed by Law; and Justices of the Peace and Constables, so appointed, shall be subject to removal by the Judge, or Judges having criminal jurisdiction in the county, or city, for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a Court of Law. The Justices of the Peace and Constables, so appointed, and commissioned, shall be Conservators of the Peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal, in