1940

PROCLAMATION OF THE GOVERNOR OF MARYLAND PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE.

WHEREAS, at the January session of the General Assembly of Maryland, held in the year 1939, the following Acts were passed, providing for the submission of said amendments to the qualified voters of the State of Maryland for adoption or rejection;

Chapter 40—proposing an amendment to Section 17 of Article 4 of the Constitution of the State of Maryland, title "Judiciary Department," sub-title "Part 2—Court of Appeals," providing for appointment by the Court of Appeals of the Clerk of said Court;

Chapter 163—proposing an amendment to Article IV of the Constitution of the State of Maryland, adding thereto two new sections, to be numbered 41-A and 41-B under a new subtitle "Part V-A—People's Courts," and to follow immediately after Section 41 of said Article, providing for the establishment of People's Courts;

Chapter 200—proposing to amend Section 21 of Article 4, title "Judiciary Department," sub-title "Part III—Circuit Courts," of the Constitution of this State, providing for an additional Judge in the Seventh Judicial Circuit of Maryland;

Chapter 247—proposing an amendment to Section 15 of Article 3 of the Constitution of the State of Maryland, title "Legislative Department," regulating the period that the General Assembly may continue its session and the compensation of the members thereof;

Chapter 371—proposing to amend Section 21 of Article 4, title "Judiciary Department," sub-title "Part III—Circuit Courts," of the Constitution of this State, providing for the residential qualification and method of selection of Associate Judges in the Third Judicial Circuit;

Chapter 381—proposing an amendment to Section 1, Article II, title "Executive Department," of the State Constitution, to provide that a Governor shall not be eligible to succeed himself for the term directly following that for which he was elected;

Chapter 771—proposing an amendment to Article III of the Constitution of the State of Maryland, adding thereto one new section, to be numbered 35A and to follow immediately after Section 35 of said Article, providing that nothing in the Constitution shall exempt the salary or compensation of any judge or other public officer from the imposition of a nondiscriminatory tax upon income; in words and figures as follows:

CHAPTER 40

AN ACT to propose an amendment to Section 17 of Article 4 of the Constitution of the State of Maryland, title "Judiciary Department," sub-title "Part 2—Court of Appeals," providing for appointment by the Court of Appeals of the Clerk of said Court, and providing for the submission of said amendment to the qualified voters of the State of Maryland for adoption or rejection.

Section 1. Be it enacted by the General Assembly of Maryland (three-fifths of all the members of each of the two Houses concurring), That the following be and the same is hereby proposed as an amendment to Section 17 of Article 4 of the Constitution of the State of Maryland, title "Judiciary Department," sub-title "Part 2—Court of Appeals," the same if adopted by the legally qualified voters of the State, as herein provided, to become Section 17 of Article 4 of the Constitution of the State of Maryland.

17. There shall be a Clerk of the Court of Appeals, who, after the expiration of the current term of the present incumbent, shall be appointed by and shall hold his office at the pleasure of said Court of Appeals.

Ses. 2. And be it further enacted by the authority aforesaid, That said aforegoing section, hereby proposed as an amendment to the Constitution of this State, shall be, at the next general election to be held in this State in the year 1940, submitted to the legal and qualified voters of the State of Maryland for adoption or rejection, in pursuance of the directions contained in Article 14 of the Constitution of this State, and at the said general election the vote on the said proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law, and immediately after said election due returns shall be made to the Governor of the vote for and against said proposed amendment, as directed by said Fourteenth Article of the Constitution, and further proceedings had in accordance with said Article Fourteen.

Approved: March 10, 1939.

CHAPTER 163

AN ACT to propose an amendment to Article IV of the Constitution of the State of Maryland, adding thereto two new sections, to be numbered 41-A and 41-B under a new sub-title "Part V-A—People's Courts," and to follow immediately after Section 41 of said Article, providing for the establishment of People's Courts; and to provide for the submission of said amendment to the qualified voters of the State for adoption or rejection.

Section 1. Be it enacted by the General Assembly of Maryland (three-fifths of all the members of each of the two Houses concurring), That the following two new sections, to be numbered 41-A and 41-B under the new sub-title "Part V-A—People's Courts," and to follow immediately after Section 41 of said Article, be and the same are hereby proposed as an amendment to Article IV of the Constitution of the State of Maryland, the same, if adopted by the legal and qualified voters of the State as herein provided, to become a part of said Article IV of said Constitution and to be numbered and sub-titled as aforesaid:

PART V-A—PEOPLE'S COURTS.

41-A. 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. The Judges of said Court shall have the qualifications prescribed by Section 2 of this Article and shall have practiced law in the City of Baltimore for a total period of at least five years; shall hold office subject to the provisions of Sections 3 and 4 of this Article with regard to retirement and removal from office; and shall receive from the Mayor and City Council of Baltimore City such compensation as shall be fixed by law by the General Assembly, which shall not be diminished during continuance in office.

The Governor shall appoint to said Court, to take office on the first Monday of May, 1941, one Associate Judge for a term expiring December 31, 1942; one Associate Judge for a term expiring December 31, 1944, and a Chief Judge for a term expiring December 31, 1946; and, upon the creation of any additional office on said Court by increase in the number of Judges pursuant to this Section, shall appoint an Associate Judge for such term, not exceeding eight years and expiring on the thirty-first day of December immediately following a Congressional election, as the law creating such office shall prescribe. If any vacancy occurs during any such original term, the Governor shall appoint a successor to serve for the remainder of such term. After the expiration of said original terms, the terms of office of said Court shall be for eight years from the expiration of the preceding term, and shall be filled as follows:

(1) Any incumbent Judge of said Court shall be eligible, at the Congressional election immediately preceding the expiration of his period of appointment or term, for election or re-election to succeed himself (a) for a full term of eight years, except as provided in (b) hereof; or (b) for the unexpired remainder of the current eight year term, if his appointment will expire before the end of such term. No person other than an incumbent Judge shall be eligible for election to said Court.

(2) Whenever a vacancy shall occur on said Court from any cause the Governor shall appoint to said Court a Judge who shall hold office under such appointment until the thirty-first day of December immediately following the first Congressional election occurring six months or more after the date of his appointment. No Judge of said Court, who has stood for election to succeed himself and not been elected, shall thereafter be appointed to said Court, and no Judge of said Court, who has failed to stand for election when eligible, shall be appointed to succeed himself.

(3) In order to qualify for election or re-election an incumbent Judge shall file with the Supervisors of Election of Baltimore City not later than thirty days before the date of the applicable election a certificate signed and duly acknowledged, stating the basis of his eligibility and the term or remainder of term for which he is eligible for election. Thereupon, the name of such Judge, together with a statement of the term or remainder of term for which he is eligible, shall be placed upon the ballot to be used in said City in such election, with no party designation whatever and with no opposing candidate, with space provided to permit any voter to cast his vote for or against the continuance in office of such Judge; if the votes cast for the continuance in office of such Judge represent a majority of all the votes cast for or against his continuance in office, such Judge shall hold office for the unexpired remainder of the term or for the full term of eight years, as the case may be.

Unless his office shall have been abolished pursuant to this Section, each Judge of said Court shall continue to hold office after the expiration of his period of appointment or term until a successor shall qualify. As used in this Section "Congressional election" means any of the biennial elections at which members of the House of Representatives are regularly chosen.

Said Court shall have such jurisdiction (which may be made exclusive as to any class or classes of civil cases in Baltimore City), with such right of appeal, therefrom, and the Chief Judge and Associate Judges thereof shall have such powers and duties, as the General Assembly shall prescribe from time to time by law. The Judges of said Court shall have full power to regulate by rules the administration, procedure and practice of said Court; such rules shall have the force of law until rescinded or modified by said Judges or the General Assembly. Unless otherwise provided by law, (1) all powers granted by this Section or by law to said Court or the Judges thereof as a body may be exercised by a majority of the Judges thereof, and (2) said Court shall not be a Court of Record.

There shall be a Chief Constable of said Court, who shall perform therein the duties prescribed for Clerks of Court by Section 10 of this Article and such other duties as shall be prescribed by law or by rule of said Court. Such Chief Constable shall be appointed, in the manner hereinafter prescribed, by the Judges of said Court; and such Chief Constable shall appoint, in the manner hereinafter prescribed, all original, subsequent and additional constables and clerks employed pursuant to this Section, and shall supervise and direct the work of all such constables and clerks. There shall be appointed originally four such constables and between such clerks; the number of either may, on the joint recommendation of said Court and said Chief Constable, be increased by the Mayor and City Council of Baltimore City; no vacancy in the position of any constable or clerk, however arising, shall be filled by said Chief Constable unless the Judges of said Court and said Chief Constable shall expressly find that the filling of such vacancy is necessary for the efficient operation of said Court. The positions of said Chief Constable and of all such constables and clerks shall be positions in the Classified City Service of Baltimore and the provisions of the Charter of said City with respect to said City Service are hereby expressly made applicable thereto, provided that, the Chief Constable at the time this amendment becomes effective shall continue and remain in said position and immediately become a member of said Classified City Service of Baltimore; all such positions shall be classified by the City Service Commission and all appointments, promotions, transfers, reinstatements, and removals with respect to such positions shall be made only in accordance with the provisions, rules and regulations of said Classified City Service in force from time to time. Such Chief Constable and all of such other constables and all such clerks shall receive from the Mayor and City Council of Baltimore such compensation as said Mayor and City Council shall prescribe. Such constables and clerks shall perform such other duties as may now or hereafter be prescribed by law or rule of Court.

After adoption of this Section no constable shall be appointed by the Mayor and City Council of Baltimore City pursuant to Section 42 or Section 43 of this Article IV, but constables in office upon the adoption of this Section shall hold office for the remainder of their terms and the constables first appointed under this Section shall take office at the expiration of such terms.

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; (2) the jurisdiction of any such Court (which may be made exclusive as to any class or classes of civil cases in such county, or any part thereof, city or town) and the right of appeal therefrom; (3) the number, qualifications, tenure, method of selection, duties, and compensation of all constables, clerks or other employees for such Court; and all other matters relating to such Court. After adoption of this Section the Governor shall not be required to appoint any particular number of Justices of the Peace in any county or in any of the several election districts of the counties as now provided in Section 42 of the Constitution.

Sec. 2. And be it further enacted by the authority aforesaid, That the aforegoing sections hereby proposed as an amendment to the Constitution of the State of Maryland shall, at the election to be held in November, 1940, be submitted to the legal and qualified voters of the State for their adoption or rejection, in pursuance of the directions contained in Article 14 of the Constitution of the State of Maryland, and at the said general election the vote on the said proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law, and immediately after said election due returns shall be made to the Governor of the vote for and against said proposed amendment as directed by said Article XIV of the Constitution.

Approved: April 26, 1939.

CHAPTER 200

AN ACT to amend Section 21 of Article 4, title "Judiciary Department," sub-title "Part III—Circuit Courts" of the Constitution of this State, and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection.

Section 1. Be it enacted by the General Assembly of Maryland, That three-fifths of all the members elected to each of the two Houses concurring, that the following section be and the same is hereby proposed as an amendment to Section 21 of Article 4, title "Judiciary Department," sub-title "Part III—Circuit Courts," of the Constitution of this State, and if adopted by the legal and qualified voters thereof as herein provided, it shall supersede and stand in the place and stead of Section 21 of said Article 4.

21. For each of the said circuits, excepting the eighth, the second, the third (and) the sixth and seventh, there shall be a chief judge and two associate judges, to be styled judges of the Circuit Court, to be selected or appointed as herein provided, and for the second circuit, the third circuit, (and) the sixth circuit, and the seventh circuit, there shall be a chief judge and three associate judges to be styled judges of the Circuit Court, to be elected or appointed as herein provided. And no two of said associate judges, except the third and sixth circuits, shall, at the time of their election or appointment or during the term for which they may have been elected or appointed reside in the same county, except in Prince George's County, in which county two of said associate judges for the said circuit shall reside at the time of their appointment or election and