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W.A.H.

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Senate Calendar No. 78-a^a
Introduced by Mr. Cronin.

House Calendar No. _____

SENATE BILL NO. 33

EXECUTIVE DEPARTMENT

This Act in the order of its approval is

CHAPTER NO. 371

Number 470

AN ACT 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 and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection.

By the SENATE, January 23, 1939.

Introduced, read first time and referred to the Committee on Judicial Proceedings.

By order, C. ANDREW SHAAB, Secretary.

REPORT OF COMMITTEE.

Favorable, with amendment.

EMANUEL GORFINE, Chairman.

By the SENATE, March 14, 1939.

Reported favorably by the Committee on Judicial Proceedings, with proposed amendment; amendment adopted, read second time and ordered printed for third reading.

By order, C. ANDREW SHAAB, Secretary.

FILED MAY 12 1939

JAMES A. YOUNG,
CLERK, COURT OF APPEALS

*Judiciary
Rep adopt
2/14 on passage
3/14 passed*

Passed

CHAPTER NO.

A BILL ENTITLED

AN ACT 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 and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection.

1 SECTION 1. *Be it enacted by the General Assembly of*
2 *Maryland,* That (three-fifths of all members elected to each
3 of the two houses concurring) the following section be and
4 the same is hereby proposed as an amendment to Section
5 21 of Article 4, of the Constitution of Maryland, title
6 "Judiciary Department," sub-title "Part III—Circuit
7 Courts," the same, if adopted by the legal and qualified
8 voters thereof as herein provided, to become Section 21
9 of Article 4 of the Constitution of the State of Maryland.

1 21. For each of the said circuits, excepting the eighth,
2 the second, the third and the sixth, there shall be a chief

3 judge and two associate judges, to be styled judges of the
4 Circuit Court, to be selected or appointed as herein pro-
5 vided, and for the second circuit, the third circuit and the
6 sixth circuit, there shall be a chief judge and three asso-
7 ciate judges to be styled judges of the Circuit Court, to
8 be elected or appointed as herein provided. And no two of
9 said associate judges, for any of the said circuits, except
10 the third and sixth circuits shall, at the time of their elec-
11 tion or appointment or during the term for which they
12 may have been elected or appointed, reside in the same
13 county. If two or more persons shall be candidates for
14 associate judge in the same county in any of the circuits,
15 except the third and sixth circuits, that one only in said
16 county shall be declared elected who has the highest num-
17 ber of votes in the circuit. In case any two candidates
18 for associate judge in any of the circuits, except the third
19 and sixth circuits, residing in the same county shall have
20 an equal number of votes greater than any other candidates
21 for associate judge in the circuit, it shall be the duty of
22 the Governor to order a new election for one associate
23 judge; but the person residing in any other county of the
24 circuit and who has the highest number of votes shall be
25 declared elected. The said judges shall hold not less than
26 two terms of the Circuit Court in each of the counties com-
27 posing their respective circuits, at such times as are now
28 or may hereafter be prescribed to which jurors shall be
29 summoned; and in those counties where only two such
30 terms are held, two other and intermediate terms, to which
31 jurors shall not be summoned; they may alter or fix the
32 times for holding any or all terms, until otherwise pre-
33 scribed, and shall adopt rules to the end that all business
34 not requiring the interposition of the jury shall be, as far
35 as practicable, disposed of at said intermediate terms. One
36 judge in each of the above circuits, including the second,
37 the third and the sixth circuits, shall constitute a quorum
38 for the transaction of any business; and the said judges or
39 any of them may hold special terms of their courts, when-
40 ever in their discretion the business of the several counties
41 renders such terms necessary.

49 In the Third Circuit, two of said Associate Judges shall
50 at all times be bona fide residents of Baltimore County,
51 and one of said Associate Judges or the Chief Judge be a
52 bona fide resident of Harford County, and said Judges
53 shall have been such residents six months prior to their
54 appointment or election.

55 The additional associate judge for the second circuit
56 herein provided for shall be a resident of Cecil County,
57 shall be appointed by the Governor after the expiration of
58 six (6) months after the adoption of this amendment and
59 shall serve until the first general election for members of
60 the General Assembly that shall be held in said circuit
61 subsequent to the adoption of this amendment, at which
62 election his successor shall be elected by the qualified voters
63 of Caroline, Cecil, Kent, Queen Anne's and Talbot Counties,
64 constituting the second circuit. The judge so appointed
65 shall be subject to the same constitutional provisions,
66 receive the same compensation and have the same powers
67 as are herein provided for the other associate judges in
68 the second circuit, and the judge so elected shall be subject
69 to the same constitutional provision, hold his office for the
70 same term of years, receive the same compensation, and
71 have the same powers as are herein provided for the other
72 associate judges in the second circuit.

73 The additional judge for the sixth circuit herein pro-
74 vided for and elected by the qualified voters of Frederick
75 and Montgomery Counties at the 1938 election in accord-
76 ance with the terms of the Constitutional Amendment
77 heretofore submitted and adopted shall be subject to the
78 same constitutional provisions, receive the same compen-
79 sation and have the same powers as are herein provided
80 for the other associate judges in the sixth circuit and his
81 successor shall be appointed and/or elected in accordance
82 with the constitutional provisions relating to judges. The
83 Chief Judge may be elected from either Frederick or Mont-
84 gomery Counties, but when the Chief Judge is elected from
85 Frederick County one of the associate judges shall be a
86 resident of said county and the two remaining associate

87 judges shall be residents of Montgomery County and when
88 the Chief Judge is elected from Montgomery County one
89 of the associate judges shall be a resident of said Mont-
90 gomery County and the remaining two associate judges
91 residents of Frederick County. In case any candidate or
92 candidates for associate judge at any judicial election held
93 in the third and sixth judicial circuits shall receive suffi-
94 cient votes to cause such candidate or candidates to be
95 declared elected, but the election of such candidate or can-
96 didates would cause more associate judges than herein
97 permitted to reside in any county of said circuits, then and
98 in that event only that candidate or those candidates, as the
99 case may be, residing in said county in the order of the
100 votes received shall be declared elected whose election
101 would provide the permitted number of associate judges
102 from said county and the candidate or candidates as the
103 case may be, residing in the other county, and not similarly
104 disqualified, who shall have the next highest number of
105 votes in said election shall be declared elected. If, by rea-
106 son of such a condition or by reason of an equal vote for
107 two or more candidates a sufficient number of associate
108 judges duly qualified as to residence as above set out should
109 not be elected at any election in said third and sixth judi-
110 cial circuits, then it shall be the duty of the Governor to
111 order a new election for such unfilled office or offices.

1 SEC. 2. *And be it further enacted,* That the foregoing
2 section hereby proposed as an amendment to the Consti-
3 tution of this State shall be, at the next general election
4 to be held in this State in the year 1940, submitted to the
5 legal and qualified voters thereof for their adoption or
6 rejection in pursuance of directions contained in Article
7 14 of the Constitution of this State, and at the said general
8 election, the vote on the said proposed amendment shall be
9 by ballot, and upon each ballot there shall be printed the
10 words "For the Constitutional Amendment" and "Against
11 the Constitutional Amendment" as now prescribed by law,
12 and immediately after said election, due returns shall be
13 made to the Governor of the vote for and against said

14 proposed amendment as directed by said Article 14 of the
15 Constitution.

Approved: **May 11 1939**

Walter D. Bunker
Governor.

Arthur H. Bruce
President of the Senate.

Thomas E. Conlon
Speaker of the House of Delegates.

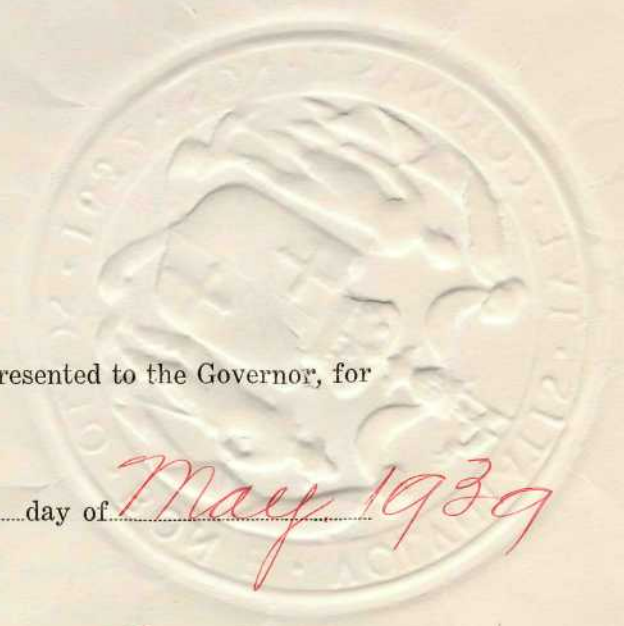


Sealed with the Great Seal and presented to the Governor, for

his approval this 11th day of May 1939

at _____ o'clock, _____ M.

Andrew Shaab
Secretary.



BY THE HOUSE OF DELEGATES

March 30 1939.

Reported favorably from the
and read the second time.

Judiciary

By order,

J. P. Karamanlis
Chief Clerk.

BY THE HOUSE OF DELEGATES

..... 1939.

Reported favorably from the.....with amend-
ment; amendment adopted, read the second time.

By order,

Chief Clerk.

BY THE HOUSE OF DELEGATES

April 3 1939.

Read third time and passed by.....Yeas and.....Nays.

By order,

J. P. Karamanlis
Chief Clerk.

BY THE SENATE

..... 1939.

House of Delegates amendment Concurred in and bill passed by
Yeas and Nays as amended.

By order,

Secretary.

Examined by Committee on Printed Bills:

L. H. Kraw
R. B. Smith
A. Clyde Jones

BY THE SENATE

March 20 1939.

Read third time and passed by yeas and nays.

By order,

Orlando Shook
Secretary.

BY THE HOUSE OF DELEGATES

March 21 1939.

Read the first time and referred to

Judiciary

By order,

John J. Mansbach
Chief Clerk.

REPORT OF COMMITTEE

March 31, 1939

Favorable Report
Milton Talle Chairman.