

In case any candidate or candidates for associate judge at any judicial election held in the sixth judicial circuit shall receive sufficient votes to cause such candidate or candidates to be declared elected, but the election of such candidate or candidates would cause more associate judges than herein permitted to reside in any county of said circuit, then and in that event only that candidate or those candidates, as the case may be, residing in said county in the order of the votes received shall be declared elected whose election would provide the permitted number of associate judges from said county and the candidate or candidates as the case may be, residing in the other county, and not similarly disqualified, who shall have the next highest number of votes in said election shall be declared elected. If, by reason of such a condition or by reason of an equal vote for two or more candidates a sufficient number of associate judges duly qualified as to residence as above set out should not be elected at any election in said sixth judicial circuit, then it shall be the duty of the Governor to order a new election for such unfilled office or offices.¹

SEC. 22. Where any term is held, or trial conducted by less than the whole number of said Circuit Judges, upon the decision or determination of any point or question by the court, it shall be competent to the party against whom the ruling or decision is made, upon motion, to have the point or question reserved for the consideration of the three judges of the Circuit, who shall constitute a court in *banc* for such purpose; and the motion for such reservation shall be entered of record during the sitting at which such decision may be made; and the several Circuit Courts shall regulate, by rules, the mode and manner of presenting such points or questions to the court in *banc*, and the decision of the said court in *banc* shall be the effective decision in the premises, and conclusive, as against the party at whose motion said points or questions were reserved; but such decision in *banc* shall not preclude the right of appeal or writ of error to the adverse party in those cases, civil or criminal, in which appeal or writ of error to the Court of Appeals may be allowed by law. The right of having questions reserved shall not, however, apply to trials of appeals from judgments of Justices of the Peace, nor to criminal cases below the grade of felony, except when the punishment is confinement in the penitentiary; and this section shall be subject to such provisions as may hereafter be made by law.

¹Thus amended by Chapter 494, Acts of 1937, and ratified by the people November 8, 1938.