

except State's Attorneys, shall be certified, and the returns made, by the Clerks of the Circuit Courts of the Counties, and the Clerk of the Superior Court of Baltimore City, respectively, to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been, respectively, elected; and in all such elections for offices other than judges of an appellate court, the person having the greatest number of votes, shall be declared to be elected.

**SEC. 12.**<sup>103</sup> In case of any contested election for Judges, Clerks of the Courts of Law, and Registers of Wills, the Governor shall send the returns to the House of Delegates, which shall judge of the election and qualification of the candidates at such election; and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the Governor, the House of Delegates shall order a new election within thirty days.

**SEC. 13.** All Public Commissions and Grants shall run thus: "The State of Maryland, etc.," and shall be signed by the Governor, with the Seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed and signed, as heretofore, or as may hereafter be, provided by Law; and all indictments shall conclude, "against the peace, government and dignity of the State."

#### *Part II—Courts of Appeal.*

**SEC. 14.**<sup>104</sup> The Court of Appeals shall be composed of seven judges, one from the First Appellate Judicial Circuit consisting of Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Worcester and Somerset counties; one from the Second Appellate Judicial Circuit consisting of Baltimore and Harford counties; one from the Third Appellate Judicial Circuit, consisting of Allegany, Frederick, Garrett, Montgomery and Washington counties; one from the Fourth Appellate Judicial Circuit, consisting of Prince George's, Calvert, Charles and St. Mary's counties; one from the Fifth Appellate Judicial Circuit, consisting of Anne Arundel, Carroll and Howard counties; and two from the Sixth Appellate Judicial Circuit, consisting of Baltimore City. The Judges of the Court of Appeals shall be residents of their respective Appellate Judicial Circuits. The term of each Judge of the Court of Appeals shall begin on the date of his qualification. One of the Judges of the Court of Appeals shall be designated by the Governor as the Chief Judge. 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. It shall hold its sessions in the City of Annapolis at such time or times as it shall from time to time by rule prescribe. Its session or sessions shall continue not less than ten months in each year, if the business before it shall so require, and it shall be competent for the judges temporarily to transfer their sittings elsewhere upon sufficient cause. The salary of each Judge of the Court of Appeals shall be that now or hereafter prescribed by the General Assembly and shall

<sup>103</sup> Thus amended by Chapter 681, Acts of 1977, ratified November 7, 1978.

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not be diminished during his continuance in office. Five of the judges shall constitute a quorum, and five judges shall sit in each case unless the Court shall direct that an additional judge or judges sit for any case. The concurrence of a majority of those sitting shall be sufficient for the decision of any cause, and an equal division of those sitting in a case has the effect of affirming the decision appealed from if there is no application for reargument as hereinafter provided. In any case where there is an equal division or a three to two division of the Court a reargument before the full Court of seven judges shall be granted to the losing party upon application as a matter of right.

**SEC. 14A.**<sup>105</sup> The General Assembly may by law create such intermediate courts of appeal as may be necessary. The General Assembly may prescribe the intermediate appellate jurisdiction of these courts of appeal, and all other powers necessary for the operation of such courts.

**SEC. 14B.**<sup>106</sup> No member of the General Assembly at which the addition of Section 14A was proposed, if otherwise qualified, shall be ineligible for appointment or election as a judge of any intermediate court of appeal, established by law by the General Assembly pursuant to said Section 14 A, by reason of his membership in such General Assembly.

**SEC. 15.**<sup>107</sup> Any Judge of the Court of Appeals or of an intermediate court of appeal who heard the cause below either as a trial Judge or as a Judge of any intermediate court of appeal as the case may be, shall not participate in the decision. In every case an opinion, in writing, shall be filed within three months after the argument or submission of the cause; and the judgment of the Court of Appeals shall be final and conclusive.

**SEC. 16.**<sup>108</sup> Provision shall be made by Law for publishing Reports of all causes, argued and determined in the Court of Appeals and in the intermediate courts of appeal, which the Judges thereof, respectively, shall designate as proper for publication.

**SEC. 17.**<sup>109</sup> There shall be a Clerk of the Court of Appeals, who shall be appointed by and shall hold his office at the pleasure of said Court of Appeals.

**SEC. 18.**<sup>110</sup> (a) The Court of Appeals from time to time shall adopt rules and regulations concerning the practice and procedure in and the administration of the appellate courts and in the other court of this State, which shall have the force of law until rescinded,

<sup>105</sup> Added by Chapter 10, Acts of 1966, ratified November 8, 1966.

<sup>106</sup> Added by Chapter 10, Acts of 1966, ratified November 8, 1966.

<sup>107</sup> Thus amended by Chapter 10, Acts of 1966, ratified November 8, 1966.

<sup>108</sup> Thus amended by Chapter 10, Acts of 1966, ratified November 8, 1966.

<sup>109</sup> Thus amended by Chapter 99, Acts of 1956, ratified November 6, 1956.

<sup>110</sup> Thus amended by Chapter 681, Acts of 1977, ratified November 7, 1978, and by Chapter 523, Acts of 1980, ratified November 4, 1980.