

ties of Baltimore and Harford, the Third; the Counties of Allegany, Garrett, and Washington, the Fourth; the Counties of Carroll, Howard and Anne Arundel, the Fifth; the Counties of Montgomery and Frederick, the Sixth; the Counties of Prince George's, Charles, Calvert, and St. Mary's, the Seventh; and Baltimore City, the Eighth.

SEC. 20.¹²³ (a) There shall be a Circuit Court for each county and for Baltimore City. The Circuit Courts shall have and exercise, in the respective counties, and Baltimore City, all the power, authority and jurisdiction, original and appellate, which the Circuit Courts of the counties exercised on the effective date of these amendments, and the greater or lesser jurisdiction hereafter prescribed by law.

(b) The judges of the Circuit Courts for Montgomery and Harford counties shall each, alternately and in rotation and on schedules to be established by those judges, sit as an Orphans' Court for their County, and shall have and exercise all the power, authority and jurisdiction which the present Orphans' Courts now have and exercise, or which may hereafter be provided by law.

SEC. 21.¹²⁴ (a) Subject to the provisions of subsection (b) the General Assembly shall determine by law the number of judges of the circuit court in each county and circuit. These judges shall be selected in accordance with Sections 3 and 5 of this Article.

(b) There shall be at least four circuit court judges resident in each circuit, and at least one circuit court judge shall be resident in each county. There shall be at least two such judges resident in Anne Arundel County, at least three resident in Baltimore County, at least four resident in Prince George's County, and at least five resident in Montgomery County.

(c) The senior judge in length of service in each circuit shall be the chief judge of the circuit. The other judges shall be associate judges.

(d) Except as otherwise provided by law, one judge shall constitute a quorum for the transaction of any business.

(e) The terms of the circuit courts shall be determined by law.

(f) A person is not ineligible for appointment or election as a judge because he was a member of the General Assembly at a time when the number or salary of judges were increased or decreased.

SEC. 21A.¹²⁵ If the amendments to sections 3 and 21 of Article IV proposed by House Bill 972, Senate Bill 390 (1976) and the amendments to those sections proposed by House Bill 1048 (1976) are ratified by the voters at the election in Nov. 1976, the amendments to those sections proposed in House Bill 972, Senate Bill 390 (1976) shall take effect.

SEC. 22.¹²⁶ 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 the District Court, 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.

SEC. 23.¹²⁷ The Judges of the respective Circuit Courts of this State shall render their decisions, in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.

SEC. 24.¹²⁸ The salary of each Chief Judge and of each Associate Judge of the Circuit Court shall not be diminished during his continuance in office.

SEC. 25.¹²⁹ There shall be a Clerk of the Circuit Court for each County and Baltimore City, who shall be elected by a plurality of the qualified voters of said County or City, and shall hold this office for four years from the time of his election, and until his successor is elected and qualified, and be re-eligible, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a Court of Law. In case of a vacancy in the office of Clerk of a Circuit Court, the Judges of that Court may fill the vacancy until the general election for Delegates to the General Assembly, to be held next thereafter, when a successor shall be elected for the term of four years.

SEC. 26.¹³⁰ Deputy clerks and other employees of the office of the Clerk shall be appointed and removed according to procedures set by law.

Part IV—Courts of Baltimore City.

SEC. 27.¹³¹ Vacant.

SEC. 28.¹³² Vacant.

123 Amended by Chapter 744, Acts of 1963, ratified Nov. 3, 1964; Chapter 374, Acts of 1972, ratified Nov. 7, 1972; Chapter 681, Acts of 1977, ratified Nov. 7, 1978; Chapter 523, Acts of 1980, ratified Nov. 4, 1980.

124 Amended by Chapter 515, Acts of 1912, ratified Nov. 4, 1913; Chapter 426, Acts of 1935, ratified Nov. 3, 1936; Chapter 494, Acts of 1937, ratified Nov. 8, 1938; Chapter 200, Acts of 1939, ratified Nov. 5, 1940; Chapter 494, Acts of 1941, ratified Nov. 3, 1942; Chapter 772, Acts of 1943, ratified Nov. 7, 1944; Chapter 607, Acts of 1953, ratified Nov. 2, 1954; Chapters 65 and 68, Acts of 1954, ratified Nov. 2, 1954; Chapters 642 and 761, Acts of 1959, ratified Nov. 8, 1960; Chapter 372, Acts of 1966, ratified Nov. 8, 1966; Chapter 542, Acts of 1976, ratified Nov. 2, 1976.

125 Added by Chapter 542, Acts of 1976, ratified Nov. 2, 1976.

126 Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

127 Amended by Chapter 523, Acts of 1980, ratified Nov. 4, 1980.

128 Amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956.

129 Amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956; Chapter 523, Acts of 1980, ratified Nov. 4, 1980.

130 Amended by Chapter 376, Acts of 1972, ratified Nov. 7, 1972; Chapter 889, Acts of 1974, ratified Nov. 5, 1974; Chapter 523, Acts of 1980, ratified Nov. 4, 1980; Chapter 62, Acts of 1990, ratified Nov. 6, 1990.

131 Repealed by Chapter 523, Acts of 1980, ratified Nov. 4, 1980.