

A rule of the court of appeals held to modify a statute, in view of the last sentence of this section. *Meloy v. Squires*, 42 Md. 381. And see *Gabelein v. Plaenker*, 36 Md. 64.

The court of appeals, as well as the legislature, has authority under this section to change or modify a rule of the court of appeals. *Davis v. State*, 38 Md. 61 (dissenting opinion).

Part III:—Circuit Courts.

Sec. 19. The State shall be divided into eight Judicial Circuits, in manner following, viz: The Counties of Worcester, Somerset, Dorchester and Wicomico,* shall constitute the First Circuit; the Counties of Caroline, Talbot, Queen Anne's, Kent and Cecil, the Second; the Counties of Baltimore and Harford, the Third; the Counties of Allegany, Washington and Garrett,† 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.

This section (as it stood in the constitution of 1851) referred to in construing section 8—see notes thereto. How Baltimore City and Baltimore county are treated by the constitution. *Wright v. Hamner*, 5 Md. 375. And see *State v. Shillinger*, 6 Md. 450.

This section referred to in construing section 8—see notes thereto. *Kimball v. Harman*, 34 Md. 405.

Sec. 20. A Court shall be held in each County of the State, to be styled the Circuit Court for the County in which it may be held. The said Circuit Courts shall have and exercise, in the respective Counties, all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by Law.

Under this section and article 15, section 2, the circuit court for Anne Arundel county was held to be clothed with all the powers possessed by its predecessor and was authorized to dispose of the pending case as if it had originated with it. *Truett v. Gill*, 32 Md. 150.

For a case dealing with the jurisdiction of the circuit courts under the constitution of 1851, to issue writs of error, and how the constitution should be construed, see *Manly v. State*, 7 Md. 145.

See notes to sections 19 and 21.

Sec. 21. For each of the said Circuits (excepting the Eighth) there shall be a Chief Judge and two 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 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. If two or more persons shall be candidates for Associate Judge in the same County, that one only in said County shall be declared elected who has the highest number of votes in the Circuit. In case any two candidates for Associate Judge, residing in the same County, shall have an equal number of votes, greater than any other candidate for Associate Judge in the

*Wicomico formed since the adoption of this constitution.

†Garrett formed since the adoption of this constitution.