

renders such terms necessary. The additional associate judge for the third circuit herein provided for, shall be elected by the qualified voters of Baltimore and Harford counties, at the first election that shall be held in said counties subsequent to the adoption of this amendment, and the judge so elected shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation and have the same powers as are herein provided for the other associate judges in the third circuit.]*

The portion of this section providing that one judge shall constitute a quorum, referred to in construing article 8 of the declaration of rights—see notes thereto. *Robey v. Prince George's County*, 92 Md. 163. And see *Beasley v. Ridout*, 94 Md. 659.

Non-jury terms or, as designated in this section, "intermediate terms to which jurors shall not be summoned," held to be *regular* terms. *Dowus v. State*, 78 Md. 130.

This section referred to in upholding certain rules of the circuit court for Prince George's county dealing with jury and non-jury cases. *Gambrill v. Parker*, 31 Md. 5.

See notes to article 4, sections 19 and 32.

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.

The proceeding under this section is in substitution of an appeal to the court of appeals; this section is not to be extended beyond its terms. The word "sitting" is not synonymous with "term"; a party has until the adjournment of the court for the day to determine whether he will have his appeal to the court *in banc* or to the court of appeals. Court *in banc* held to have no jurisdiction since the motion for an appeal thereto was not entered on time. *Costigin v. Bond*, 65 Md. 124.

The decision of the court *in banc* upon the questions before it and as regards the party taking the appeal, concludes the case as effectually as a decision of the court of appeals could do. *Shueey v. Stoner* 47 Md. 167.

*Thus amended by the act of 1912, chapter 515, ratified November 4, 1913.