

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. *Shuey v. Stoner*, 47 Md. 167.

Sec. 23. The Judges of the respective Circuit Courts of this State and of the Courts of Baltimore City, 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. The salary of each Chief Judge, and of the Judge of the Court of Appeals from the City of Baltimore, shall be three thousand five hundred dollars, and of each Associate Judge of the Circuit Court, shall be two thousand eight hundred dollars per annum payable quarterly, and shall not be diminished during his continuance in office.<sup>1</sup>

Under art. 4, sec 28, and under art. 1, sec. 7, of the Constitution of 1864, it was held, notwithstanding the language used in art. 4, sec. 3, of the same Constitution, that a judge was not entitled to salary between the date of his qualification after the election returns and the date of his qualification after the house of delegates established his right to the office. *Jump v. Spence*, 28 Md. 10.

Sec. 25. There shall be a Clerk of the Circuit Court for each County, who shall be elected by a plurality of the qualified voters of said County, and shall hold his office for six 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 said Court shall have power to fill such vacancy

<sup>1</sup> By the act of 1922, ch. 500 (budget bill), the salary of the chief judges was increased to eight thousand five hundred dollars, and of the associate judges to five thousand seven hundred and fifty dollars per annum.