

adoption of this amendment, at which election his successor shall be elected by the qualified voters of Caroline, Cecil, Kent, Queen Anne's and Talbot Counties, constituting the second circuit. The judge so appointed shall be subject to the same constitutional provisions, receive the same compensation and have the same powers as are herein provided for the other associate judges in the second circuit, and the judge so elected shall be subject to the same constitutional provision, 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 second circuit.

The additional judge for the sixth circuit herein provided for and elected by the qualified voters of Frederick and Montgomery Counties at the 1938 election in accordance with the terms of the Constitutional Amendment heretofore submitted and adopted shall be subject to the same constitutional provisions, receive the same compensation and have the same powers as are herein provided for the other associate judges in the sixth circuit and his successor shall be appointed and/or elected in accordance with the constitutional provisions relating to judges. The Chief Judge may be elected from either Frederick or Montgomery Counties, but when the Chief Judge is elected from Frederick County one of the associate judges shall be a resident of said county and the two remaining associate judges shall be residents of Montgomery County and when the Chief Judge is elected from Montgomery County one of the associate judges shall be a resident of said Montgomery County and the remaining two associate judges residents of Frederick County. In case any candidate or candidates for associate judge at any judicial election held in the sixth judicial circuit shall receive sufficient votes to cause such candidate or candidates to be declared elected, but the election of such candidate or candidates would cause more associate judges than herein permitted to reside in any county of said circuit, then and in that event only that candidate or those candidates, as the case may be, residing in said county in the order of the votes received shall be declared elected whose election would provide the permitted number of associate judges from said county and the candidate or candidates as the case may be, residing in the other county, and not similarly disqualified, who shall have the next highest number of votes in said election shall be declared elected. If, by reason of such a condition or by reason of an equal vote for two or more candidates a sufficient number of associate judges duly qualified as to residence as above set out should not be elected at any election in said sixth judicial circuit, then it shall be the duty of the Governor to order a new election for such unfilled office or offices.<sup>1</sup>

Cited in holding that judges' salaries are not subject to State income tax (1937, Sp. Sess., ch. 11). *Gordy v. Dennis*, 176 Md. 114.

The portion of this section providing that one judge shall constitute a quorum, referred to in construing art. 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. *Downs 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 art. 4, secs. 19 and 32.

[Sec. 21. For each of the said circuits, excepting the eighth, the second, the third (and) the sixth and the seventh, there shall be a chief judge and two associate judges, to be styled judges of the Circuit Court, to be selected

<sup>1</sup> Thus amended by Act of 1937, ch. 494, and ratified Nov. 8, 1938.