

COMPARISON OF CONSTITUTIONS

CONSTITUTION OF 1867

PROPOSED CONSTITUTION OF 1968

The several judges of the Circuit Court for Montgomery County on and after the Tuesday next after the first Monday in November, nineteen hundred and sixty-six, shall each, alternately and in rotation and on schedules to be established by the said judges, sit as an Orphan's Court for said 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 prescribed by law.

Sec. 21. From and after January 1, 1955, there shall be in the third, fourth, fifth, sixth and seventh circuits at least one judge for each county, who shall be a resident of the county in which he shall hold office, and who shall be elected by the voters thereof, to be styled judges of the Circuit Court, to be elected or appointed as herein provided. The number of judges for any of the circuits or for any of the counties, may be increased or decreased by the General Assembly from time to time, and any vacancy so created shall be filled as provided in Section 5 of this Article except that in the third, fourth, fifth, sixth, and seventh judicial circuits there shall never be less than one judge for each county and in all of the circuits there shall never be less than four for each circuit. The senior judge in length of service shall be the chief judge of the circuit; the other judge or judges shall be associate judges. In the first and second judicial circuits no two of said judges of the Circuit Court shall at the time of their election or appointment, or during the term for which they may have been elected or appointed, reside in any one county, except in Cecil County wherein two said judges may reside at one time provided that each of the other counties within the second judicial circuit shall have at least one judge resident therein. In the first and second judicial circuits, in case any candidate or candidates for judge at any election 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 judges than herein permitted to reside in any county of the circuit, then and in that event there shall be declared elected only that candidate or those candidates residing in said county, in the order of the votes received, whose election would provide the permitted number of judges from said

See Section 5.22, Judicial Term of Office, p. 51.

Section 5.09. Composition.

The Superior Court shall consist of the number of judges prescribed by law. The number shall be allocated among the counties by law. At least one superior court judge shall reside in each county. Functional divisions of the Superior Court may be established in any county.