

case in the same manner as if it had been originally instituted in that court. The General Assembly shall modify the existing law as may be necessary to regulate and give force to this provision.

SEC. 9.¹⁰³ The Judge, or Judges of any Court, may appoint such officers for their respective Courts as may be found necessary. The General Assembly may provide, by Law, for compensation for all such officers; and the said Judge or Judges shall, from time to time, investigate the expenses, costs and charges of their respective courts, with a view to a change or reduction thereof, and report the result of such investigation to the General Assembly for its action.

SEC. 10. The Clerks of the several Courts, created, or continued by this Constitution, shall have charge and custody of the records and other papers, shall perform all the duties, and be allowed the fees, which appertain to their several offices, as the same now are, or may hereafter be regulated by Law. And the office and business of said Clerks, in all their departments, shall be subject to the visitatorial power of the Judges of their respective Courts, who shall exercise the same, from time to time, so as to insure the faithful performance of the duties of said officers; and it shall be the duty of the Judges of said Courts respectively, to make, from time to time, such rules and regulations as may be necessary and proper for the government of said Clerks, and for the performance of the duties of their offices, which shall have the force of Law until repealed or modified by the General Assembly.

SEC. 11.¹⁰⁴ The election for Judges, hereinbefore provided, and all elections for Clerks, Registers of Wills, and other officers, provided in this Constitution, except State's Attorneys, shall be certified, and the returns made, by the Clerks of the Circuit Courts of the Counties, and the Clerk of the Superior Court of Baltimore City, respectively, to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been, respectively, elected; and in all such elections for offices other than judges of an appellate court, the person having the greatest number of votes, shall be declared to be elected.

SEC. 12.¹⁰⁵ In case of any contested election for Judges, Clerks of the Courts of Law, and Registers of Wills, the Governor shall send the returns to the House of Delegates, which shall judge of the election and qualification of the candidates at such election; and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the Governor, the House of Delegates shall order a new election within thirty days.

SEC. 13. All Public Commissions and Grants shall run thus: "The State of Maryland, etc.," and shall be signed by the Governor, with the Seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed and signed, as heretofore, or as may hereafter be, provided by Law; and all indictments shall conclude, "against the peace, government and dignity of the State."

SEC. 13A.¹⁰⁶ Vacant.

Part II—Courts of Appeal.

SEC. 14.¹⁰⁷ The Court of Appeals shall be composed of seven judges, one from the First Appellate Judicial Circuit consisting of Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Worcester and Somerset counties; one from the Second

Appellate Judicial Circuit consisting of Baltimore and Harford counties; one from the Third Appellate Judicial Circuit, consisting of Allegany, Frederick, Garrett, Montgomery and Washington counties; one from the Fourth Appellate Judicial Circuit, consisting of Prince George's, Calvert, Charles and St. Mary's counties; one from the Fifth Appellate Judicial Circuit, consisting of Anne Arundel, Carroll and Howard counties; and two from the Sixth Appellate Judicial Circuit, consisting of Baltimore City. The Judges of the Court of Appeals shall be residents of their respective Appellate Judicial Circuits. The term of each Judge of the Court of Appeals shall begin on the date of his qualification. One of the Judges of the Court of Appeals shall be designated by the Governor as the Chief Judge. The jurisdiction of the Court of Appeals shall be co-extensive with the limits of the State and such as now is or may hereafter be prescribed by law. It shall hold its sessions in the City of Annapolis at such time or times as it shall from time to time by rule prescribe. Its session or sessions shall continue not less than ten months in each year, if the business before it shall so require, and it shall be competent for the judges temporarily to transfer their sittings elsewhere upon sufficient cause. The salary of each Judge of the Court of Appeals shall be that now or hereafter prescribed by the General Assembly and shall not be diminished during his continuance in office. Five of the judges shall constitute a quorum, and five judges shall sit in each case unless the Court shall direct that an additional judge or judges sit for any case. The concurrence of a majority of those sitting shall be sufficient for the decision of any cause, and an equal division of those sitting in a case has the effect of affirming the decision appealed from if there is no application for reargument as hereinafter provided. In any case where there is an equal division or a three to two division of the Court a reargument before the full Court of seven judges shall be granted to the losing party upon application as a matter of right.

SEC. 14A.¹⁰⁸ The General Assembly may by law create such intermediate courts of appeal as may be necessary. The General Assembly may prescribe the intermediate appellate jurisdiction of these courts of appeal, and all other powers necessary for the operation of such courts.

SEC. 14B.¹⁰⁹ No member of the General Assembly at which the addition of Section 14A was proposed, if otherwise qualified, shall be ineligible for appointment or election as a judge of any intermediate court of appeal, established by law by the General Assembly pursuant to said Section 14A, by reason of his membership in such General Assembly.

SEC. 15.¹¹⁰ Any Judge of the Court of Appeals or of an intermediate court of appeal who heard the cause below either as a trial Judge or as a Judge of any intermediate court of appeal as the case may be, shall not participate in the decision. In every case an opinion, in writing, shall be filed within three months after the argument or submission of the cause; and the judgment of the Court of Appeals shall be final and conclusive.

SEC. 16.¹¹¹ Provision shall be made by Law for publishing Reports of all causes, argued and determined in the Court of Appeals and in the intermediate courts of appeal, which the Judges thereof, respectively, shall designate as proper for publication.

SEC. 17.¹¹² There shall be a Clerk of the Court of Appeals, who shall be appointed by and shall hold his office at the pleasure of said Court of Appeals.

¹⁰³ Amended by Chapter 523, Acts of 1980, ratified Nov. 4, 1980.

¹⁰⁴ Amended by Chapter 551, Acts of 1975, ratified Nov. 2, 1976.

¹⁰⁵ Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

¹⁰⁶ Added by Chapter 796, Acts of 1943, ratified Nov. 7, 1944. Repealed by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

¹⁰⁷ Amended by Chapter 772, Acts of 1943, ratified Nov. 7, 1944; Chapter 99, Acts of 1956, ratified Nov. 6, 1956; Chapter 11, Acts of 1960, ratified Nov. 8, 1960; Chapter 551, Acts of 1976, ratified Nov. 2, 1976; Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

¹⁰⁸ Added by Chapter 10, Acts of 1966, ratified Nov. 8, 1966.

¹⁰⁹ Added by Chapter 10, Acts of 1966, ratified Nov. 8, 1966.

¹¹⁰ Amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956; Chapter 10, Acts of 1966, ratified Nov. 8, 1966.

¹¹¹ Amended by Chapter 10, Acts of 1966, ratified Nov. 8, 1966.

¹¹² Amended by Chapter 40, Acts of 1939, ratified Nov. 5, 1940; Chapter 99, Acts of 1956, ratified Nov. 6, 1956.