1938

PROCLAMATION OF THE GOVERNOR OF MARYLAND PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE

WHEREAS, at the January session of the General Assembly of Maryland, held in the year 1935, an Act was passed, to wit: Chapter 465 proposing an amendment to repeal Section 46 of Article 2 of the Constitution of the State of Maryland, title "Legislative Department," and enacting a new section in the General Assembly from authorizing a lottery; and providing for the submission of said amendment to the qualified voters of the State of Maryland for adoption or rejection; and

WHEREAS, at the January session of the General Assembly of Maryland, held in the year 1937, an Act was passed, to wit: Chapter 4, title "Judiciary Department," subtitle "Circuit Courts", of the Code of Public General Laws of Maryland, 1924 Edition, article 26 of the Annotated Code of Maryland, 1924 Edition, title "Courts of Appeal and Circuit Courts", subtitle "Circuit Courts", and Section 24 of Article 5 of the Constitution of Maryland, title "Judiciary Department", subtitle "Circuit Courts", and the said general election laws thereof as herein after mentioned, relating to the election of judges of the Circuit Courts of this State, and providing for the submission of said amendment to the Constitution shall be by ballot, separate from the ballots to be used for the election of Governor, Senators and Delegates, and to be designated as the ballot for the "Constitutional Amendment", and "Against Constitutional Amendment," as now provided by law, and

WHEREAS, at the January session of the General Assembly of Maryland, in the year 1937, an Act was passed, to wit: Chapter 525 proposing to amend Section 21 of Article 4, title "Judiciary Department", subtitle "Part III.—Circuit Courts", of the Constitution of this State, to provide an additional judge in the Second Circuit and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection; and

WHEREAS, at the January session of the General Assembly of Maryland, held in the year 1937, an Act was passed, to wit: Chapter 525 proposing an amendment to Article 15 of the Declaration of Rights of the Constitution of the State of Maryland, title "Elections", and providing for the submission of said amendment to the qualified voters of the State of Maryland for adoption or rejection; in words and figures as follows:

CHAPTER 463—1935

AN ACT to propose an amendment to repeal Section 46 of Article 2 of the Constitution of the State of Maryland, title "Legislative Department", subtitle "Legislative Department", and enacting a new section in the General Assembly from authorizing a lottery; and providing for the submission of said amendment to the qualified voters of the State of Maryland for adoption or rejection.

Section 1. Be it enacted by the General Assembly of Maryland (three-fifths of all the members of each of the two Houses concurring), That Section 46 of Article 2 of the Constitution of the State of Maryland, title "Legislative Department", subtitle "Legislative Department", and enacting a new section in the General Assembly from authorizing a lottery grants be and it is hereby repealed if assigned by the legally qualified voters of the State, as herein provided.

Sec. 2. And be it further enacted, That the aforegoing amendment to the Constitution of the State of Maryland shall be submitted to the next ensuing general election for members of the General Assembly that shall be held in said circuit subsequent to the adoption of this amendment, at which election the successor shall be elected by the qualified voters of Caroline, Dorchester, Queen Anne's and Talbot Counties. 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. The associate 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 shall be appointed by and with the advice and consent of the Senate, from Frederick and Montgomery Counties at the 1938 election in accordance with the terms of the Constitutional Amendment heretofore submitted and adopted at the general election for members of the General Assembly in 1934, subject to the constitutional provisions, have the same powers as are herein granted for the associate judges in the sixth circuit and his successor shall be appointed and/or elected in accordance with the constitutional provisions governing the office. Chief Judge may be selected 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 remaining two 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 elected judge or judges of said circuit, 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 their votes received at said election, decided 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 or counties in said circuit, shall be declared 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 or counties in said circuit, shall be declared elected judge or judges of said circuit, and that in such event only the candidate or those candidates, as the case may be, residing in said county in the order of their votes received at said election, decided 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 or counties in said circuit, shall be declared elected judge or judges of said circuit, and that in such event only the candidate or those candidates, as the case may be, residing in the other county or counties in said circuit, shall have an equal number for voter another time at the next general election for state judge in the Second Circuit, and the Governor is hereby authorized to order a new election in said circuit for said associate judge or judges residing in any other county of the said circuit and the candidate receiving the highest vote shall be declared elected, and in the event that there shall be more than two terms of office in said circuit, then and in that event the said judge shall be elected at the next general election for the unexpired term of office in said circuit, and the said judge shall be entitled to hold his office for the full term of fifteen years from the date of his commission, subject to the constitutional provisions governing the office, and shall be subject to the same constitutional provisions, have the same compensation and have the same powers as are herein provided for the other associate judges in the second circuit.

Sec. 3. And be it further enacted, That the aforegoing amendment to the Constitution of the State of Maryland shall be submitted to the next ensuing general election for members of the General Assembly that shall be held in said circuit subsequent to the adoption of this amendment, at which election the successor shall be elected by the qualified voters of Caroline, Dorchester, Queen Anne's and Talbot Counties. 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. The associate 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.

Sec. 4. And be it further enacted, That the aforegoing amendment to the Constitution of the State of Maryland shall be submitted to the next ensuing general election for members of the General Assembly that shall be held in said circuit subsequent to the adoption of this amendment, at which election the successor shall be elected by the qualified voters of Caroline, Dorchester, Queen Anne's and Talbot Counties. 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. The associate 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.

Sec. 5. And be it further enacted, That the aforegoing amendment to the Constitution of the State of Maryland shall be submitted to the next ensuing general election for members of the General Assembly that shall be held in said circuit subsequent to the adoption of this amendment, at which election the successor shall be elected by the qualified voters of Caroline, Dorchester, Queen Anne's and Talbot Counties. 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. The associate 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.

Sec. 6. And be it further enacted, That the aforegoing amendment to the Constitution of the State of Maryland shall be submitted to the next ensuing general election for members of the General Assembly that shall be held in said circuit subsequent to the adoption of this amendment, at which election the successor shall be elected by the qualified voters of Caroline, Dorchester, Queen Anne's and Talbot Counties. 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. The associate 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.

Sec. 7. And be it further enacted, That the aforegoing amendment to the Constitution of the State of Maryland shall be submitted to the next ensuing general election for members of the General Assembly that shall be held in said circuit subsequent to the adoption of this amendment, at which election the successor shall be elected by the qualified voters of Caroline, Dorchester, Queen Anne's and Talbot Counties. 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. The associate 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.

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