

Sec. 26. The said Clerks shall appoint, subject to the confirmation of the Judges of their respective Courts, as many deputies under them as the said Judges shall deem necessary to perform, together with themselves, the duties of the said office, who shall be removable by the said Judges for incompetency, or neglect of duty, and whose compensation shall be according to existing or future provisions of the General Assembly.

The duty of employing deputies is imperative, and they must be appointed with the approval of the judge of the court; and they can not be retained if found by the judge to be incompetent or negligent. The clerk can not appoint a greater or less number of deputies than the court deems necessary. The clerk can not fix the salaries of the deputies, but must allow such salaries as the comptroller shall determine—see article 17, section 16, of the Annotated Code. Deputies are not mere agents of the clerk; they are agents and officers of the court. If the clerk fails to pay his deputies their salaries, his official bond is liable. *State, use of Smith, v. Turner*, 101 Md. 588.

Part IV:—Courts of Baltimore City.

Sec. 27. There shall be in the Eighth Judicial Circuit six Courts, to be styled the Supreme Bench of Baltimore City, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City* and the Criminal Court† of Baltimore.

See notes to section 28.

See article 11 of the Maryland constitution.

Sec. 28. The Superior Court of Baltimore City, the Court of Common Pleas, and the Baltimore City Court‡ shall each have concurrent jurisdiction in all civil common law cases, and concurrently all the jurisdiction which the Superior Court of Baltimore City and the Court of Common Pleas now have, except jurisdiction in Equity, and except in applications for the benefit of the Insolvent Laws of Maryland, and in cases of Appeal from judgments of Justices of the Peace in said city, whether civil or criminal, or arising under the ordinances of the Mayor and City Council of Baltimore, of all of which appeal cases the Baltimore City Court shall have exclusive jurisdiction; and the said Court of Common Pleas shall have exclusive jurisdiction in all applications for the benefit of the Insolvent Laws of Maryland, and the supervision and control of the Trustees thereof.

Constitution of 1851.

Jurisdiction of appeals involving the condemnation of land for the opening of streets, held not to be given to the superior court by article 4, section 11, of the constitution of 1851. *Baltimore v. Clunet*, 23 Md. 465.

Under article 4, sections 10 and 11, of the constitution of 1851, the court of common pleas was held to have no jurisdiction in a proceeding

*Circuit court No. 2 established by act of 1888, chapter 194.

†Criminal court No. 2 established by rule of the supreme bench, December 21, 1897. See *Jackson v. State*, 87 Md. 191.

‡The jurisdiction of the Baltimore City court, the superior court and the court of common pleas was enlarged by the act of 1870, chapter 177.