

City, shall be proceeded in, and prosecuted to final judgment or decree, in the Courts, respectively, of the same name established by this Constitution, except cases belonging to that class, jurisdiction over which is by this Constitution transferred to the Baltimore City Court, all of which shall, together with all cases now pending in the City Court of Baltimore, be proceeded in and prosecuted to final judgment in said Baltimore City Court.

This section referred to in deciding that whatever may have been the power and authority of the superior court to pass orders in an equity case prior to a final decree, it clearly had no authority to pass orders with a view to future litigation; the constitution of 1867 gave equity jurisdiction to the circuit court for Baltimore City—see section 29 and notes thereto. Hence where an equity case was carried to a final decree in the superior court prior to the constitution of 1867, after the adoption of that constitution the circuit court, and not the superior court, had jurisdiction over subsequent proceedings concerning the trust. *Orrick v. Boehm*, 49 Md. 97.

Sec. 37. There shall be a Clerk of each of the said Courts of Baltimore City, except the Supreme Bench, who shall be elected by the legal and qualified voters of said city, at the election to be held in said city on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a Court of Law. The salary of each of the said Clerks shall be thirty-five hundred dollars a year, payable only out of the fees and receipts collected by the clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of Clerk of any of said Courts, the Judges of said Supreme Bench of Baltimore City shall have power to fill such vacancy until the general election of Delegates to the General Assembly to be held next thereafter, when a Clerk of said Court shall be elected to serve for six years thereafter; and the provisions of this Article in relation to the appointment of Deputies by the Clerks of the Circuit Courts in the counties shall apply to the Clerks of the Courts in Baltimore City.

A clerk who deposits in bank until it is paid over, money of the state collected for licenses and from other sources, is liable for interest received thereon from the banks. Meaning of the word "perquisites." *Vansant v. State*, 96 Md. 124.

The act of 1856, chapter 286, section 5, providing that the neglect of the clerk to give bond should be a disqualification within the meaning of this section, and that the judge should appoint a new clerk, etc., held void because it provided for the removal of the clerk in a manner in conflict with this section. Where the constitution provides certain qualifications for an office and no right is reserved to the legislature to add to or take away therefrom, only the constitutional qualifications can be insisted upon. Importance of the word "wilfull" and meaning of the word "vacancy" as used in this section (as it stood in the constitution of 1851). *Dowling v. Smith*, 9 Md. 269.

This section referred to in construing section 26, and in holding the official bond of a clerk liable for the salaries of his deputies. *State, use Smith, v. Turner*, 101 Md. 588.