

The clerk of the criminal court of Baltimore, in view of article 4, section 16, of the constitution of 1851, was entitled to take the affidavit provided for by the stamp law of 1844, chapter 280. *Atwell v. Grant*, 11 Md. 104.

This section referred to in construing sections 11, 12 and 25—see notes to the latter section. *Wells v. Munroe*, 86 Md. 450.

See notes to sections 6 and 25.

Sec. 38. The clerk of the Court of Common Pleas shall have authority to issue within said city all marriage and other licenses required by law, subject to such provisions as are now or may be prescribed by law. The Clerk of the Superior Court of said city shall receive and record all deeds, conveyances and other papers, which are or may be required by Law to be recorded in said city. He shall also have custody of all papers connected with the proceedings on the Law or Equity side of Baltimore County Court and the dockets thereof, so far as the same have relation to the City of Baltimore, and shall also discharge the duties of Clerk to the Supreme Bench of Baltimore City unless otherwise provided by Law.

This section referred to in deciding that a license required by article 4, section 658, of the public local laws (applicable to Baltimore city), should be issued by the state and not by the city of Baltimore; hence an indictment charging a failure to obtain such licenses "contrary to the form of the act of assembly," etc., is not demurrable. *Weber v. State*, 116 Md. 409.

This section referred to in deciding that 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. *Vansant v. State*, 96 Md. 124.

Under article 4, section 15, of the constitution of 1851, the clerk of the court of common pleas was held to have no authority to record mechanics' liens, since by said section they were required to be recorded in the office of the clerk of the superior court. *Miller v. Barroll*, 14 Md. 184.

Sec. 39. The General Assembly shall, whenever it may think the same proper and expedient, provide, by Law, another Court for the City of Baltimore, and prescribe its jurisdiction and powers; in which case there shall be elected by the voters of said city, qualified under this Constitution, another Judge of the Supreme Bench of Baltimore City, who shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation, and have the same powers, as are herein provided for the Judges of said Supreme Bench of Baltimore City; and all of the provisions of this Constitution relating to the assignment of Judges to the Courts, now existing in said City, and for the dispatch of business therein, shall apply to the Court, for whose creation provision is made by this Section.\* And the General Assembly may reapportion, change or enlarge the jurisdiction of the several Courts in Baltimore City. Until otherwise provided by Law, the Clerk of the Superior Court of Baltimore City, of the Court of Common Pleas, of the Circuit Court of Baltimore City, of

\*Under this section, the general assembly, by the act of 1888, chapter 194, established the circuit court No. 2 of Baltimore City, conferring upon it the same jurisdiction as that possessed by the circuit court of Baltimore City.