

until the general election for Delegates to the General Assembly, to be held next thereafter, when a successor shall be elected for the term of six years.

The title to an office conferred upon a clerk who has been returned elected, received a commission under sec. 11 and duly qualified, is not that conferred on a person who has been elected as provided in this section; hence such incumbent is not entitled to a full term of six years under this section which could only begin "from the time of his election." The "vacancy" contemplated by this section is one that occurs after an election by the voters. Where the house of delegates acting under sec. 12 declares an incumbent (holding under sec. 11) not entitled to the office, an election should be held at the earliest possible moment; if it can not be held at the time the house of delegates appoints, then it may be held at the general election as mentioned in art. 15, sec. 7; the person so elected is entitled to the full term, to begin from his election. Meaning of the word "vacancy" as used in this section. *Wells v. Munroe*, 86 Md. 446. And see *Ijams v. Duvall*, 85 Md. 261; *Sansbury v. Middleton*, 11 Md. 296.

Under art. 4, sec. 14, of the Constitution of 1851, a clerk held over at the expiration of his term until his successor qualified. *Sappington v. Scott*, 14 Md. 52.

Art. 4, sec. 16, of the Constitution of 1851, referred to in construing art. 7, sec. 8, of the Constitution of 1851—see notes to art. 7, sec. 1 *Washington County v. Nesbitt*, 6 Md. 471.

This section referred to in construing secs. 11 and 12—see notes thereto. *Brooke v. Widdecombe*, 39 Md. 398.

See notes to sec. 37 and see art. 17, An. Code.

Sec. 26. The said Clerks shall appoint, subject to 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 cannot appoint a greater or less number of deputies than the court deems necessary. The clerk cannot fix the salaries of the deputies, but must allow such salaries as the comptroller shall determine—see art. 17, sec. 18, of the An. 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 City¹ and the Criminal Court² of Baltimore.

The circuit court of Baltimore city was provided in and for the eighth judicial circuit by this section, and under sec. 29 it has exclusive jurisdiction in equity. (But see sec 39 and the act of 1888, ch 194, creating the circuit court No. 2 of Baltimore city.) *Wilmer v. Savings & Bldg. Assn.*, 141 Md. 240.

See notes to sec. 28 and see art. 11, Md. Constitution.

Sec. 28. The Superior Court of Baltimore City, the Court of Common Pleas, and the Baltimore City Court³ shall each have concurrent juris-

¹ Circuit court No. 2 established by act of 1888, ch. 194.

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

³ The jurisdiction of the Baltimore city court, the superior court and the court of common pleas was enlarged by the act of 1870, ch. 177.