

may demand; and the Judge or Judges, so assigned to the said several Courts, shall, when holding the same, have all the powers and exercise all the jurisdiction which may belong to the Court so being held; and it shall also be the duty of the said Supreme Bench of Baltimore City, in case of the sickness, absence or disability of any Judge or Judges assigned as aforesaid, to provide for the hearing of the cases, or transaction of the business assigned to said Judge or Judges, as aforesaid, before some one or more of the Judges of said Court.

The supreme bench of Baltimore city has power under this section to assign two judges to the criminal court, each to sit with a separate jury. This section construed in connection with art. 4, sec. 21, and art. 5, secs. 7 and 11. *Jackson v. State*, 87 Md. 195.

See notes to sec. 8.

Sec. 33. The said Supreme Bench of Baltimore City shall have power, and it shall be its duty, to provide for the holding of as many general Terms as the performance of its duties may require, such general Terms to be held by not less than three Judges; to make all needful rules and regulations for the conduct of business in each of the said Courts, during the session thereof, and in vacation, or in Chambers, before any of said Judges; and shall also have jurisdiction to hear and determine all motions for a new trial in cases tried in any of said Courts, where such motions arise either on questions of fact, or for misdirection upon any matters of Law, and all motions in arrest of judgment, or upon any matters of Law determined by the said Judge, or Judges, while holding said several Courts; and the said Supreme Bench of Baltimore City shall make all needful rules and regulations for the hearing before it of all said matters; and the same right of appeal to the Court of Appeals shall be allowed from the determination of the said Court on such matters, as would have been the right of the parties if said matters had been decided by the Court in which said cases were tried.

[The Judge, before whom any case may hereafter be tried, in either the Baltimore City Court, the Superior Court of Baltimore City, or the Court of Common Pleas, shall have exclusive jurisdiction to hear and determine, and the said Judge shall hear and determine motions for a new trial where such motions arise, either on questions of fact or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law, determined by the said Judge, and all such motions shall be heard and determined within thirty days after they are made.] ¹

The portion of this section authorizing the supreme bench to make all needful rules, etc, does not render a particular court powerless to act, to try cases and to administer justice in case the supreme bench neglects to adopt rules, or in case such rules as are adopted fail to meet all possible emergencies. The court must act, however, consistently with the rules that have been adopted and may not dispense at pleasure with its own rules. The fixing by a judge of the time for the call of the *stet* docket, held valid. *Gibbons v. Chury*, 53 Md. 148.

For cases involving this section as it stood before the amendment proposed by the act of 1870, ch. 177, see *Merrick v. B. & O. R. R. Co.*, 33 Md. 485; *Roth v. House of Refuge*, 31 Md. 332; *Dykes v. Banks*, 31 Md. 239.

¹ See the act of 1870, ch. 177, passed in pursuance of sec. 39 of art. 4 of Constitution.