

to add to or take away therefrom, only the constitutional qualifications can be insisted upon. Importance of the word "wilful" 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 sec 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.

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

This section referred to in construing secs. 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 art. 4, sec. 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 art. 4, sec. 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, as often as it may think the same proper and expedient, provide by Law for the election of an additional Judge of the Supreme Bench of Baltimore City, and whenever provision is so made by the General Assembly, there shall be elected by the voters of said City 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, or shall be, provided by the Constitution or Laws of this State, for the Judges of said Supreme Bench of Baltimore City, and the General Assembly may provide by Laws, or the Supreme Bench by its rules for requiring causes in any of the Courts of Baltimore City to be tried before the Court without a jury, unless the litigants or some one of them shall within such reasonable time or times as may be prescribed, elect to have their causes tried before a jury. And the General Assembly may reapportion, change or enlarge the jurisdiction of the several Courts in said city.¹

¹ Thus amended by ch. 313, acts of 1892, ratified November 7, 1893.

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