

An. Code, 1924, sec. 37. 1912, sec. 37. 1904, sec. 37. 1892, ch. 353. 1894, ch. 255, sec. 35A.

40. The judges of the court of appeals are authorized to appoint a messenger to the court, and he shall receive one thousand dollars to be paid to him in quarterly instalments.

Circuit Courts for the Counties.

An. Code, 1924, sec. 38. 1912, sec. 38. 1904, sec. 38. 1888, sec. 36. 1773, ch. 1. 1785, ch. 87. 1804, ch. 55. 1805, ch. 65.

41. The circuit courts for the several counties are the highest common law courts of record and original jurisdiction within this State, and each has full common law powers and jurisdiction in all civil and criminal cases within its county (except where by law the jurisdiction has been taken away or conferred upon another tribunal); and all the additional powers and jurisdiction given by the constitution and by law.

This section referred to in construing art. 23, sec. 415. See notes thereto. *Pub. Serv. Commn. v. Byron*, 153 Md. 476.

This section cited, and certain jurisdiction pointed out as having been "taken away." *Main v. Fessler*, 89 Md. 469.

For cases involving the act of 1805, ch. 65 (effecting the organization of new courts after the abolition of the general court), see *Price v. State*, 8 Gill, 310; *Cromwell v. State*, 12 G. & J. 259; *State v. Chase*, 5 H. & J. 303; *Campbell's Case*, 2 Bl. 224.

For cases involving the act of 1804, ch. 55 (abolishing the general court), see *Steuart v. Mason*, 3 H. & J. 531; *The Chancellor's Case*, 1 Bl. 599; *Price v. State*, 8 Gill, 302; *Bell v. State*, 4 Gill, 304; *Cromwell v. State*, 12 G. & J. 260; *State v. Dashiell*, 6 H. & J. 269.

As to the concurrent jurisdiction of justices of the peace, see art. 52, sec. 12. *Cf.* art. 52, sec. 6, *et seq.* ("Justices of the Peace.")

An. Code, 1924, sec. 39. 1912, sec. 39. 1904, sec. 39. 1888, sec. 37. 1852, ch. 16, secs. 2-4. 1868, ch. 52. 1884, ch. 27.

42. Each of the circuit judges for the counties or judicial circuits may make orders, in recess of their several courts, in cases of law, and may require in writing the original papers on any case, or abstracts and transcripts to be produced before them, or either of them, whenever they or either of them may be, for the purpose of passing such order, and in all criminal cases wherein the accused has been allowed to give bail; but if the court shall adjourn before he has secured the bail, the clerk of the court may take the bail, on its being directed by order of court before adjournment, or of one of the judges after adjournment, fixing the amount thereof; but the clerk shall accept no security without the oath or affirmation of the person offering himself as security that he or she is worth the amount of the bail in real or personal estate, exclusive of his or her right to exemption, nor unless the clerk shall be satisfied of the truth of such statement on oath or affirmation; and whenever a party is arrested on indictment in any of the circuit courts, and is imprisoned during the recess of the court, any judge thereof, if it be aailable case, may, by his order in writing, fix the bail and direct the clerk to take the same, with security or securities, who shall justify on oath or affirmation as hereinbefore provided, and no security shall be taken whom the clerk is not fully satisfied to be worth the amount sworn to.

A judge has the power to direct the entry of a judgment during recess in any court in his circuit. This section was intended to enlarge the powers of the courts and judges during recess and has no effect upon, and is not in conflict with, sec. 6 of this article. The two sections are to be construed together. *Frostburg v. Tidley*, 63 Md. 519.

An order in writing passed during recess, overruling a motion for a new trial, is valid under this section; but a verbal direction sent to the clerk to enter judgment (out of the presence of the judge), is disapproved. The term "open court," defined. *Hays v. Philadelphia, etc., R. R. Co.*, 99 Md. 419.