

Where an offence may be punishable by death, either of the parties to the indictment is entitled to a removal as a matter of right; appeal. Where, however, the offence is not punishable by death, the right to a removal only exists where the trial court determines in its discretion that the suggestion is true or that there is reasonable ground for same; appeal; when only action of lower court will be reversed. *Tidewater Port. Cement Co. v. State*, 122 Md. 98.

Generally.

An appeal lies from the action of the court in striking out a judgment solely upon the ground that the court had no jurisdiction, although the motion is made during the term at which the judgment was rendered. This section, as it stood before the amendment of 1874, ch. 364, dealt with. *Kimball v. Harman*, 34 Md. 403.

The amendment to this section proposed by the act of 1874, ch. 364, and the fact that said act was not set out *verbatim* on the journals, referred to in upholding an amendment to art. 7, sec. 1—see notes thereto and to art. 14, sec. 1. *Worman v. Hagan*, 78 Md. 164.

This section referred to in deciding that there was no error in trying a traverser in the petit jury room instead of the court room. *Dutton v. State*, 123 Md. 388.

This section referred to in dealing with art. 4, sec. 39—see notes thereto. *City Passenger Ry. Co. v. Nugent*, 86 Md. 360.

This section referred to in *In Re Ades*, 6 F. Supp. 467.

See art. 4, sec. 39; art. 15, sec. 6, and notes to art. 4, sec. 7.

See art. 75, sec. 109, *et seq.*, An. Code.

See arts. 5 and 20 of the Declaration of Rights.

Sec. 9. The Judge or Judges of any Court may appoint such officers for their respective Courts as may be found necessary; and such officers of the Courts in the City of Baltimore shall be appointed by the Judges of the Supreme Bench of Baltimore City. It shall be the duty of the General Assembly to prescribe by law a fixed compensation for all such officers, and said Judge or Judges shall from time to time investigate the expenses, costs and charges of their respective Courts, with a view to a change or reduction thereof, and report the result of such investigation to the General Assembly for its action.

Without this section the judges undoubtedly have the power to appoint such officers as are necessary for the proper conduct of the business of the courts. This section referred to in deciding that the control of the court house vested by art. 25, sec. 1, of the An. Code, in the county commissioners, could not be given to the court crier—see notes to art. 8 of the Declaration of Rights. *Prince George's County v. Mitchell*, 97 Md. 338.

Sec. 10. The Clerks of the several Courts created or continued by this Constitution shall have charge and custody of the records and other papers; shall perform all the duties, and be allowed the fees which appertain to their several offices, as the same now are or may hereafter be regulated by law. And the office and business of said Clerks, in all their departments, shall be subject to the visitatorial power of the Judges of their respective Courts, who shall exercise the same, from time to time, so as to insure the faithful performance of the duties of said offices; and it shall be the duty of the Judges of said Courts, respectively, to make from time to time such rules and regulations as may be necessary and proper for the government of said Clerks, and for the performance of the duties of their offices, which shall have the force of law until repealed or modified by the General Assembly.

The visitatorial power given the judges over the clerks is for the purpose of securing the faithful performance of duty; it was not the design to relieve the clerks from obligations to do what the law already required of them; the judges have no other or greater power than of supervisal, regulation and direction. An order of court requiring the clerk to make a certain index and providing for his compensation therefor, held invalid. *Peter v. Prettyman*, 62 Md. 575.

See art. 17 of the An. Code.

Sec. 11. The election for Judges hereinbefore provided, and all elections for Clerks, Registers of Wills and other officers provided in this Con-