will be confined to that city alone? Have they not a right to vote against it, when you allow them only a judge in a circuit of one hundred and fifty miles? I had a plain line of duty before me, and I pursued it in making the motion I have submitted, and shall not be driven from it by threats from any quarter. I withdraw the motion to postpone, and renew the demand for the previous question.

The previous question was seconded, and the main question ordered, viz:—"Will the Convention reconsider their vote of yesterday, striking out the first paragraph of said section?"

Mr. STEWART of Baltimore city, moved that the question be taken by yeas and nays, which being ordered, appeared as follows:

Affirmative—Messrs. Donaldson, Dalrymple, Howard, Bell, Chandler, Ridgely. Lloyd, Colston, James U. Dennis, Crisfield, Chambers of Cecil, McLane, Spencer, George, Shriver, Biser, Annan, McHenry, Magraw, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Michael, Newcomer, Brewer, Holliday, Fitzpatrick, Parke, Shower, Cockey and Brown—35.

Negative—Messrs. Chapman, Pres't, Morgan Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Dorsey, Randall, Kent, Sellman, Bond, Brent of Charles, Merrick, Buchanan, Dickinson, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowling, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Sappington, Stephenson, Nelson, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Waters, Anderson, Weber and Slicer—47.

So the Convention refused to reconsider their vote.

The 11th section was then read, as follows:—There shall be established for the city of Baltimore, one court with common law jurisdiction, to be styled the "Court of Common Pleas," which shall have civil jurisdiction in all suits where the debt or damage claimed shall not exceed five hundred dollars."

Mr. STEWART, of Baltimore city, moved to amend the section by adding thereto the following proviso:

"Provided that where the plaintiff or plaintiffs shall recover less than the sum or value of five hundred dollars, the said plaintiff or plaintiffs shall not be allowed, but at the discretion of the court may be adjudged to pay costs."

Mr. DORSEY said, he moved to strike out "five hundred" and insert "fifty." It appeared to him that the amendment is unreasonable. A man in his own judgment may have a just claim against an individual for one thousand dollars, and sues him in this court. It is determined, however, by the jury, most unwisely and unjustly, that less than five hundred dollars is due, he then must lose his costs. He considers that the injury he has received amounts to three times the sum; but if the jury happens to differ with him in opinion; if by some technical prineiple of the law he is defeated, though he has a manifestly just claim for $499, yet he must lose the case, and be burdened with all the costs, not only on his side, but perhaps on the other. He certainly would lose his own costs, and perhaps have to pay the costs of the other party. It is unreasonable. I do not care where the principle was taken from. It was once tried in Maryland, but he thought it was changed, and we adopted the principle which is adopted in most States, that if a party claims more than $500, or whatever sum is necessary for the jurisdiction of the court, he could get judgment, and was not made to pay the costs. He thought that was just. By this amendment we would place the plaintiff in a condition where the greatest injustice may be done him. He thought it ought to be rejected.

Mr. BRENT, of Baltimore city. I move to postpone the subject. The Convention will notice that the eleventh section fixes the limit of the jurisdiction of the court of common pleas to $500. It is very obvious that we would be but allowing parties to carve out a jurisdiction for themselves, by simply raising their claims in the declaration to more than $500. Therefore, the party who desired to get into another court, and have a jurisdiction above the one to which his claim would entitle him, would increase the amount of the claim. To avoid this evil, this amendment is offered, which says, in substance, that this court shall not have jurisdiction of any case to award costs to the party who falls below its jurisdiction. They may award a debt when the recovery shall not exceed the limit of the law. In other words, if a verdict is unreversed, and it shall award to him a sum less than the jurisdiction of the court, what is to be the result? He will still have judgment, even for that amount, but still he shall be punished in the costs. Is not that just? It is merely to enforce the line of demarcation. The gentleman from Anne Arundel says this thing has been tried in the county courts, but he is mistaken. I humbly differ with him. I do not know what the law is in Howard county.

Mr. DORSEY. I do not state what the law now is; I said how it formerly stood.

Mr. BRENT. It is a mere penalty upon the party who presses a suit in the wrong jurisdiction. If a party brings an action in a county court, and recovers less than $100, when the justices of the peace have a jurisdiction of $100, what is the result? Judgment of non suit.

The party is dismissed from the court without any judgment in his favor, he is bound to pay all the costs, and begin a new suit before a justice of the peace for the debt. Thus he loses the case, and is obliged to commence the suit *de novo*. This proposition is to avoid that injustice.

I think it will, in a measure, protect the jurisdiction of these courts from evasion and abuse. It is all predicated upon the idea that this court's jurisdiction is not to exceed $500. I withdraw the motion to postpone.

Mr. GWINN. I renew it. It seems to me extraordinary that the gentleman from Anne Arundel should object to the construction of a clause