

son, Fitzpatrick, Parke, Shower, Cockey and Brown—40.

*Negative*.—Messrs. Ricard, Pres't, *pro. tem.*, Morgan, Blakistone, Lee, Wells, Randall, Kent, Weems, Bond, Sollers, John Dennis, James U. Dennis, Dashiell, Williams, Phelps, Bowie, Dirickson, McMaster, Fooks, Jacobs, Gaither, John Newcomer and Waters—24.

At 10 minutes past 3 o'clock, p. m.,

Mr. SPENCER moved the Convention adjourn;

Which motion was not agreed to.

Mr. STEWART, of Baltimore city, moved the following as a substitute for the eleventh section.

"There shall be established for the city of Baltimore one court of law, to be styled the court of common pleas, which shall have civil jurisdiction in all suits where the debt or damage claimed shall be above one hundred dollars, and shall not exceed five hundred dollars; and shall also have jurisdiction in all cases of appeal from the judgment of the justices of the peace in said city."

Mr. STEWART. I will repeat that the substitute has already been passed upon by this House. It is only put in better form than the original. The section which will give rise to debate is the one which proposes to give a separate court to the city of Baltimore.

Mr. BOWIE. The difference between the 11th, 12th, and 13th sections in the original bill, and the three sections offered by the gentleman from Baltimore, (Mr. Stewart), is this: that the court of common pleas are to have jurisdiction in cases of appeals from magistrate's judgments, by this substitute. It is also to have jurisdiction in all actions where the debt or damages do not exceed \$500. The second court, which has common law jurisdiction beyond \$500, is also made a court of concurrent equity jurisdiction, with another court styled the "district court." Instead of one court, with chancery jurisdiction, it is proposed now, to have two courts with concurrent equity jurisdiction.

Mr. STEWART, of Baltimore city. I will say, in addition, that I have brought forward the clause of the fourteenth section, which refers to jurisdiction over the insolvent cases in the city of Baltimore, and made it a part of the jurisdiction of the superior court. But for an amendment that jurisdiction would not be at all provided for. The superior court, which will come in the twelfth section, will have common law jurisdiction over insolvent cases, supervision over trustee, and shall have and exercise jurisdiction as a court of equity.

The question was then taken on the adoption of the substitute, and it was agreed to.

The section, as amended, was then adopted.

Mr. STEWART then offered as a substitute for the twelfth section, the following:

There shall also be in said city another court of law having jurisdiction over all suits where the debt or damage claimed shall exceed the sum of five hundred dollars, and in case any plaintiff or plaintiffs shall recover in said court less than

the sum of five hundred dollars, he or they may be allowed or adjudged to pay in the discretion of the court the costs of said suit; this court shall be styled the superior court, and in addition to the jurisdiction hereby conferred, shall have and exercise jurisdiction in all applications for the benefit of the insolvent laws of this State, and of the administration of the estates of insolvent debtors, and the appointment and supervision of the trustees thereof, and the said court shall also have and exercise jurisdiction as a court of equity.

Mr. BOWIE moved to amend said substitute by adding at the end thereof, the following:

"And the said court shall also have exclusive jurisdiction as a court of law over all cases of misdemeanors, quo warranto of appeal from the decision of commissioners, for the opening of streets in the city of Baltimore, of petitions for freedom, and petitions to cancel or enforce contracts of apprenticeship, of all issues from the Orphans' court of Baltimore city, and from the Superior court, and shall also have jurisdiction over all other controversies proper to be decided in a court of law, which have not heretofore been assigned to the court of common pleas, and the said court as incidental to its powers as a court of law, is hereby vested with full power and authority, to cause a jury to be summoned, whenever a jury may be required for the business of said court."

Mr. STEWART, of Baltimore city. I presume that my friend from Prince George's offered this as a test question, with regard to giving another court to the city of Baltimore. I am entirely willing: it should be so considered by the House. Since the refusal of this Convention, the other day, to pass this 13th section, and give us that which we need more than any other, and which absorbs the judge of the equity jurisdiction, it is impossible for me to say what has been the state of feeling in the city of Baltimore on the subject, and what anxiety has pervaded the members of the bar of that city. There have been many communications addressed to gentlemen here, who do not agree with me in this matter, speaking the voice of the bar of Baltimore city, in regard to the necessity of the system proposed to be established by this bill.

I have been told by members of this body that they have had conversation with distinguished members of the bar who have been here—and that there is an entire unanimity of opinion among them on this subject—that they cannot do without the court proposed in the section which I have had the honor to submit. In reference to the organization of the district court, I will bring before the view of this Convention the many classes of cases which would require the exercise of the jurisdiction which I intend to give, by this proposition, to Baltimore. A large portion of the time of the county court is taken up with trials of issues from the Orphans court, and from the Chancery court.

In relation to the decisions of commissioners for opening streets, they cannot be regarded as final. There must be some tribunal in which the