

business of the superior court and put it into the court of common pleas, in addition to what they have now, and to leave the other half in the superior court. The practical effect of that is going to be to arrange the business much worse than before. But I do not propose to argue it. I am opposed to the system, and this will only aggravate it. I hope my amendment will prevail to retain the jurisdiction of the superior court where it is.

The amendment was rejected.

Mr. STOCKBRIDGE. I have another amendment, the purpose of which is to make a little more clear and distinct the line of demarcation between the superior court and the court of common pleas. I move to insert in the second line, after the word "claimed," the words "exclusive of interest."

Mr. STIRLING. That is all right.

Mr. STOCKBRIDGE. There is often a matter of doubt as to which court a suit shall be brought in. This will make it more clear.

The amendment was agreed to.

Mr. STOCKBRIDGE. I wish to ask a question. These gentlemen are making an effort to harmonize and systematize things. There is a class of cases most anomalously assigned heretofore to the criminal court of Baltimore city; and I should like to understand whether it is proposed to retain them there or to give jurisdiction over them to the superior court or the court of common pleas. It has always seemed to me that it really belonged to the superior court; but before the amendment is acted upon, I thought it would be well to call attention to it. I refer to the class of cases in the criminal court with reference to opening streets, and things of that sort in the city of Baltimore. The amounts involved are large, and often take up a great deal of the time of the court, causing juries to be delayed there sometimes two to four weeks. Hundreds of thousands of dollars are involved; and these cases are in no way connected with the criminal jurisdiction of the city. It has always belonged to one of the civil courts, but it never has been there. I wish to know whether it is proposed to take that there, or to leave it where it is.

Mr. STIRLING. I have no objection to that proposition, if the gentleman thinks it necessary to make any change. What my colleague says is correct. As we are relieving the superior court somewhat, I have no objection to taking the street cases and putting them into the superior court. The only reason why it did not suggest itself to me to change it, is that it has been in the criminal court so long, and the records are all there; and it does not take up a great deal of time. But it is a jurisdiction which is not properly in the criminal court system. It is a civil jurisdiction. As we are relieving the docket of the superior court I have no objection to transfer it to that.

Mr. ABBOTT. I hope that at the proper time that will be done.

Mr. STOCKBRIDGE. Under the old constitution there was a good reason for placing it where it is. It was then not a criminal court merely, but the city court, to attend to what was properly city business. When Baltimore city was a part of Baltimore county, the civil business not belonging to the county was thrown into the city court. It was then perfectly proper; but that reason has long gone by; and it is certainly desirable to remove it now.

The PRESIDENT. Gentlemen are reminded that they are debating an abstract proposition and not an amendment before the convention.

Mr. STIRLING. I will move to amend the amendment by inserting next before the proviso accepted by my colleague, the words "and shall also have jurisdiction in all cases of appeals from the commissioner for opening streets."

Mr. DANIEL. I will accept that.

Mr. STOCKBRIDGE. I now move to strike out the clause, "as a court of equity within the limits of the said city, and." My reason for moving that is, that we have one court charged with nothing else, that does nothing else, that is purely a chancery court. There is no special reason that I can see, if we are to divide things by subjects, why the two should be united in this court more than in the criminal court or the court of common pleas. The rules and regulations which prevail in this court are such that it is a final burying up of things when they once get into chancery there, and passing them over to our children and great grand children. I hope the amendment will prevail.

Mr. DANIEL. I want gentlemen to understand that in doing this we are altering the jurisdiction of the superior court as it now stands. This is copied exactly from the constitution. Ever since the organization of that court it has had equity jurisdiction. Ever since the organization of the circuit court they have had concurrent jurisdiction in all equity matters. Suitors frequently find it convenient to exercise a choice between these courts; and I think it would be a very radical change to take away that choice, and that portion of equity business, a large amount of which is already pending in the superior court of Baltimore city. I think therefore that the change is sufficient which we have thus far made, in which we have taken away from the superior court \$500 of its jurisdiction, which my colleague the chairman of the committee has stated to the house constitutes four-fifths of the jurisdiction, in which I differ with him except as to the amount of civil business; but if it includes in the equity business the lien business, and the replevin business over which the court of common pleas has no jurisdiction, I do not think we have transferred anything like that