

amount. But now my colleague proposes, having stated to the house that four-fifths of the jurisdiction has been taken away and given to the court of common pleas by the amendment I made, necessarily burdening the court of common pleas by so much and relieving the superior court by so much, to take away all equity jurisdiction from the superior court and still further disencumber it and put the duties upon another court. I think with the \$500 taken from its jurisdiction, this court can easily transact its business; and I think it is a fair distribution. Judge King I have no doubt can get through with his business. He always has time to spare, and is always obliging to attorneys, ready to try their cases when they are ready, with nothing else to do. I think this would relieve the superior court of so much of its jurisdiction that at any rate I am utterly opposed to taking from the superior court the equity jurisdiction which it has had ever since there has been a court in the city of Baltimore.

The amendment was rejected.

The amendment submitted by Mr. DANIEL, as modified by him, and amended, was adopted in the following form:

"Section 28. The superior court of Baltimore city shall have jurisdiction over all suits where the debt or damage claimed, exclusive of interest, shall exceed the sum of one thousand dollars, and in case any plaintiff or plaintiffs shall recover less than the sum or value of one thousand dollars, he or they shall be allowed or adjudged to pay costs in the discretion of the court. The said court shall also have jurisdiction as a court of equity within the limits of the said city, and in all other civil cases which are not hereinafter assigned to the court of common pleas, and shall also have jurisdiction in all cases of appeals from the commissioner for opening streets; provided, all cases now pending on the law side of said court, where the debt or damage claimed is less than one thousand dollars, shall be prosecuted to final judgment in said court, as though its jurisdiction had not been changed."

No further amendment was offered.

The next section was read as follows:

"Section 29. Either of said judges may sit alone for the trial of causes appealed from the decisions of justices of the peace, for the disposition of all formal and uncontested business, and such other business as the parties litigant shall consent to try before a single judge; but it shall be the right of any party to an original cause pending in said court under such rules and regulations as the court may prescribe, to require the presence of at least two of the judges of said court at the trial thereof."

Mr. THOMAS submitted the following amendment:

Strike out the section and insert the following:

"Section 29. The court of common pleas

shall have civil jurisdiction in all suits where the debt or damage claimed, exclusive of interest, shall be over one hundred dollars, and shall not exceed one thousand dollars; and shall also have jurisdiction in all cases of appeal in civil cases from the judgment of justices of the peace in the said city, and shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and the supervision and control of the trustees thereof."

Mr. STOCKBRIDGE. That amendment seems to differ a good deal from the printed amendment. That provides for jurisdiction in cases of replevin.

Mr. THOMAS. Yes, sir; I struck that out for this reason. I was afraid if we gave the court of common pleas jurisdiction in replevin cases over one hundred dollars, perhaps it would increase its jurisdiction too much; and I thought it might be better to let the jurisdiction of the superior court over replevin cases remain where it is.

Mr. STOCKBRIDGE. I cannot see any sense in making the limit in the superior court \$100 in one thing and \$1000 in everything else. There is another anomaly about it. That is in the matter of lien cases, under the mechanics' lien laws.

Mr. STIRLING. I do not see any harm in that. Under the old constitution the superior court was made a sort of residuary legatee for all jurisdiction not carved out elsewhere. It has jurisdiction in any case where it has not been specially taken away from them. All jurisdiction except that given to the court of common pleas specially embraced between \$100 and \$500, goes under the general clause to the superior court, and in consequence of that the court of appeals have decided that all replevin suits, all suits for the enforcement of magistrates' liens, and all special cases like that, went to the superior court. It seems to me there is some reason about it. It is better to have the law of replevin, or the magistrates' lien law, administered in one court than two; and for this reason. Magistrates' liens are a matter of record. It is in the land record office, which is exercised by the clerk of the superior court. If you take that jurisdiction away from the superior court, and give it to the court of common pleas, it will involve a change of the records from the land record office.

Mr. STOCKBRIDGE. I do not see the force of the last objection; for to ascertain whether there is any incumbrance, it is necessary to examine the records of both courts, one as much as the other.

Mr. STIRLING. You have to find out whether there is any judgment against the man; and to find liens against the estate you would have to look in two records. You can very often satisfy yourself whether there is