

a judgment against a man from a knowledge of his personal character.

Mr. STOCKBRIDGE. I am aware that this matter was left very loosely by the former constitutional convention. It was supposed by everybody that jurisdiction in replevin matters, and in mechanics' lien matters, under \$500, was conferred upon the court of common pleas; and for years where the claim of the mechanic who filed the lien was under \$500, he filed it in the court of common pleas. Then somebody became affected with an uneasy doubt, and for a long time they recorded them in both courts; and after a long time a case was brought up to the court of appeals, and they decided that the superior court had jurisdiction, and that the court of common pleas had not; and then for the first time they ceased to file them in the court of common pleas. It was I think full half the time from the adoption of the constitution to the present time, before that decision was obtained.

Replevins also took the same course. In many cases jurisdiction was entertained and the cases were decided in the court of common pleas before there was an appeal which ousted them from their jurisdiction. Then, of course, a large number of cases on the docket had to go by default. I should be glad to see this freed from all doubt. One of these is called the superior court, and it was supposed there was to be some little superior learning, some better qualifications upon the bench of that court to which is given the jurisdiction of larger matters, in one particular class of cases or in all. We might say that they might take original jurisdiction in all cases of mechanics' liens where five dollars were involved, and from that up, and thus send them all to the superior court. Anywhere from five to five hundred dollars this court has jurisdiction; but if you say that it shall only have jurisdiction in replevin cases up to one hundred dollars, I do not see the propriety of it. I think if there is any reason for dividing the jurisdiction it should be divided by the same line with regard to everything.

Mr. STIRLING. My colleague has already said that we have put so much upon the court of common pleas that no mortal man can discharge the duties, and I see no reason for giving them still more.

Mr. THOMAS. The court of appeals has already decided the case, and the duties of the superior court are just as ascertained and distinct now as they would be if we put it into the constitution. This leaves it just where it is, and there is not a lawyer in Baltimore who does not know which court has jurisdiction in all lien cases and all replevin cases over and above one hundred dollars.

The question being taken on the amendment, no quorum voted.

Mr. SANDS moved a call of the house, but the motion was not sustained.

The question being again taken, the amendment was adopted.

No further amendment was offered.

The next section was read as follows:

"Sec. 30. The circuit court of Baltimore city shall have all the jurisdiction and authority heretofore exercised by the criminal court and the circuit court of Baltimore city, or which may hereafter be prescribed by law; and the judges shall apportion and distribute the business of their court in such a manner as shall best facilitate the despatch of business and promote the ends of justice."

Mr. THOMAS submitted the following amendment.

Strike out all after the word "shall" in the first line, and insert the following:

"Have jurisdiction concurrent with the superior court of Baltimore city in all cases in equity, in cases arising under the act to direct descents and its supplements, and shall exercise all the power that is now or may be hereafter conferred by law; provided, said court shall not have jurisdiction in applications for the writ of *habeas corpus*."

Mr. STIRLING moved to amend the amendment by adding "in cases of persons charged with criminal offences."

Mr. THOMAS accepted the amendment.

Mr. STOCKBRIDGE. This amendment differs entirely from the printed amendment, and I can hardly see the effect of it from hearing it read.

Mr. THOMAS. After I drew up the amendment, which was printed, I consulted the act of 1853 which organized the present circuit court, and I found that section two, which confers jurisdiction upon the circuit court, says that the said circuit court shall have concurrent jurisdiction with the superior court of Baltimore in all cases of equity, in cases arising from the act in relation to *habeas corpus*, and generally such as have heretofore been conferred upon the chancellor of the fifth judicial circuit. The only alteration I have made in it is to take away from the circuit court jurisdiction over writs of *habeas corpus*, which I do not consider properly belonging to that court, and which frequently embarrass that court. I know, myself, that frequently applications are made to the judge of that court in the absence of the judge of the criminal court, upon writs of *habeas corpus*, and the prosecuting officer has been made to go into that court to try these cases, thereby postponing highly important equity cases then on trial, on account of the peculiarity of the law which gives to *habeas corpus* cases the privilege of being heard first. That was my reason for taking away from this court this jurisdiction. I accepted the amendment of my colleague to leave the court jurisdiction over writs of *habeas corpus* in others than criminal cases for this rea-