

to enforce a mechanics' lien; the superior court only could enforce them. *Miller v. Barroll*, 14 Md. 184.

Under article 4, sections 10 and 11, of the constitution of 1851, the legislature could neither enlarge nor decrease the powers vested in the court of common pleas. *State v. Mace*, 5 Md. 347; *Broadbent v. State*, 7 Md. 430.

Under article 4, section 10, of the constitution of 1851, the court of common pleas was held to have no original jurisdiction in actions of replevin. *Blimline v. Cohen*, 8 Md. 147.

For a case dealing with the jurisdiction of the superior court under the constitution of 1851, to issue writs or error, and how the constitution should be construed, see *Manly v. State*, 7 Md. 146.

For cases dealing with article 4, sections 10 and 11, of the constitution of 1851 (not now applicable by reason of changes in the constitution), see *Abbott v. Gatch*, 13 Md. 335; *Reidel v. Turner*, 28 Md. 362; *Manly v. State*, 7 Md. 146. And see *Baltimore, etc., Co. v. Steuart*, 28 Md. 365.

#### Generally.

Since justices of the peace have no jurisdiction where title to land is involved, the superior court, the Baltimore City court and the court of common pleas have jurisdiction in actions *ex contractu* where such title is involved, although the amount that may be recovered does not exceed \$100. The jurisdiction which the above courts "now have," refers to such jurisdiction as they had under the constitution of 1864. The test of jurisdiction of said courts in actions *ex contractu* is not merely the amount claimed but also the amount recovered, which must exceed \$100. Residuary jurisdiction. Interest. *Legum v. Blank*, 105 Md. 129. And see *Reese v. Hawks*, 63 Md. 132. *Cf. Rohr v. Anderson*, 51 Md. 217.

The portion of this section giving the city court exclusive jurisdiction of cases arising under the ordinances of the mayor and city council of Baltimore, referred to in deciding that in a case involving the assessment of benefits for the opening of a street, the city court had authority to review any irregularity in the proceedings of the commissioners for opening streets, and that an appeal lay in such case to the court of appeals from the decision of the city court upon matters of law. *Page v. Baltimore*, 34 Md. 563.

If the contention be correct that by virtue of the portion of this section declaring that the law courts in Baltimore City shall have concurrent jurisdiction in civil common law cases, the jurisdiction of the equity courts must remain without alteration as it was when the constitution of 1867 was adopted until there is a constitutional amendment, it is in opposition to the last sentence of article 4, section 39. *Capron v. Devries*, 83 Md. 224.

See notes to sections 14 and 29.

Sec. 29. The Circuit Court of Baltimore City shall have exclusive jurisdiction in Equity within the limits of said city, and all such jurisdiction as the present Circuit Court of Baltimore City has; provided, the said Court shall not have jurisdiction in applications for the writ of *habeas corpus* in cases of persons charged with criminal offenses.

This section referred to in discussing the courts having jurisdiction in England and in Maryland to decree divorces and to annul marriages. *Ridgley v. Ridgley*, 79 Md. 303.

A case having been prosecuted to final decree in the superior court, there the authority and jurisdiction of that court as a court of equity ceased, since by this and the preceding section equity jurisdiction was taken away from the superior court and vested in the circuit court for Baltimore City—see notes to section 36. *Orrick v. Boehm*, 49 Md. 98.

Sec. 30. The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of