

diction in all civil common law cases, and concurrently all the jurisdiction which the Superior Court of Baltimore City and the Court of Common Pleas now have, except jurisdiction in Equity, and except in applications for the benefit of the Insolvent Laws of Maryland, and in cases of Appeal from judgments of Justices of the Peace in said city, whether civil or criminal, or arising under the ordinances of the Mayor and City Council of Baltimore, of all of which appeal cases the Baltimore City Court shall have exclusive jurisdiction; and the said Court of Common Pleas shall have exclusive jurisdiction in all applications for the benefit of the Insolvent Laws of Maryland, and the supervision and control of the Trustees thereof.

Constitution of 1851.

Jurisdiction of appeals involving the condemnation of land for the opening of streets, held not to be given to the superior court by art. 4, sec. 11, of the Constitution of 1851. *Baltimore v. Clunet*, 23 Md. 465.

Under art. 4, secs. 10 and 11, of the Constitution of 1851, the court of common pleas was held to have no jurisdiction in a proceeding to enforce a mechanics' lien; the superior court only could enforce them. *Miller v. Barroll*, 14 Md. 184.

Under art. 4, secs. 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 art. 4, sec. 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 of error, and how the Constitution should be construed, see *Manly v. State*, 7 Md. 146.

For cases dealing with art. 4, secs. 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. Stewart*, 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 equity courts must remain without alteration as it was when Constitution of 1867 was adopted until there is a constitutional amendment, it is in opposition to the last sentence of art. 4, sec. 39. *Capron v. Devries*, 83 Md. 224.

See notes to secs. 24 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