

of difficulties growing out of the same thing my friend refers to. Men have brought suits in which they did not claim any interest; and at other times they have claimed so much money with interest from such a date; and the entire question of jurisdiction has grown out of the question whether they were entitled to claim interest from the time specified or from a subsequent time. For instance, a man has a claim for one thousand dollars, and interest for two years and a half, amounting to one hundred and fifty dollars. He thinks he is entitled to interest for that period of time. He brings his suit. The jury, when they come to take the matter in hand, decide that he is entitled to the principal; but for some reason he is not entitled to interest. He is then, in the position of being entirely at the court's mercy whether he shall not be compelled to pay costs for bringing his suit, there instead of in the other court. I think it is preferable as it stands; and I wish it was the same in the case of justices of the peace.

Mr. MILLER. I will suggest that the jurisdiction prescribed for the superior court, is "over all suits where the debt or damage claimed, exclusive of interest, shall exceed the sum of one thousand." When a suit is brought, whether upon a promissory note, or for other debt or damage, exceeding that amount, it comes within the jurisdiction of that court. A suit may not be tried for two or three years, and interest running all the while. When the jury make up their verdict at the trial of the cause they bring in, including interest, a sum exceeding one thousand dollars, as the sum total of their verdict; and as the sum rendered exceeds or is less than one thousand dollars, it will come within the jurisdiction of one court or the other. I think it is very clear that these words should be left out.

Mr. STOCKBRIDGE. I do not think so; but I am ready to vote on the gentleman's motion if he makes one.

No amendment was offered.

On motion, and by unanimous consent,

Section thirty-seven was amended by striking out the word "city," in the designation of the criminal court of Baltimore.

Section thirty-nine having been read, as follows:

"Section 39. All causes pending in the several courts of Baltimore city, at the adoption of this constitution, shall be prosecuted to final judgment, as though the jurisdiction of the several courts in which they may be pending had not been changed;"

Mr. STOCKBRIDGE said: I move to open section thirty-four for amendment, in order to strike out from line ten to the end of the section, as follows: "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." The thirty-ninth

section provides precisely the same thing for all the courts, of course including the superior court.

The motion was agreed to.

The amendment was adopted.

CLERKS OF BALTIMORE COURTS.

The 41st section having been read, as follows:

"Sec. 41. There shall be a clerk of the superior court of Baltimore city, and a clerk of the circuit court of Baltimore city, and a clerk of the court of common pleas in Baltimore city, and a clerk of the criminal court of Baltimore city, and each of the said clerks shall be elected by the legal and qualified voters of said city, and shall hold his office for six years from the first day of January succeeding his election, and until his successor is elected and qualified; and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a court of law. In case of a vacancy in the office of a clerk of any of the said courts, the judge of the court of which he was clerk, shall have the power to appoint a clerk until the general election for county officers held next thereafter."

On motion of Mr. STIRLING, and by unanimous consent,

The words "in Baltimore city" were stricken out from the designation of the court of common pleas, and the word "city" from the designation of the criminal court of Baltimore.

Mr. MILLER. I see that in case of a vacancy, the judge is to have power to fill the vacancy until the general election for county officers held next thereafter. There is no provision to show whether that election shall be for the full term of six years, or for the remainder of the term thus vacated. I think there ought to be some provision to explain that.

Mr. STIRLING. Why are they to hold office "from the first day of January?" The present constitution says the clerks shall hold office from the time of their election. I move to open the section to amend it.

Mr. HERR. I think the change ought to be made. The clerks of the circuit courts hold from the time of their election.

The motion was agreed to.

On motion of Mr. STIRLING,

The section was amended by striking out "first day of January succeeding," and inserting "time of."

Mr. STOCKBRIDGE. A vacancy is to be filled "until the general election for county officers held next thereafter." We do not happen to have "county officers" in the city.

Mr. STIRLING. Yes, sir; the sheriff and orphans' court judges are county officers.

Section 42d having been read,

On motion of Mr. STIRLING,

The section was opened for amendment, in