

1777.

L A W S of the S T A T E of

C H A P.
XV.

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An ACT to open the Courts of Justice, and for other Purposes.

Preamble.

WHEREAS at a Convention begun and held at the City of *Annapolis*, on the twenty-sixth Day of *July*, seventeen hundred and seventy-five, and continued till the fourteenth Day of *August* in the same Year, it was declared and resolved, That in all Suits and Actions then depending or commenced within this Province, where there was no real Dispute, the Suiters and Attornies should proceed, with all convenient Speed, to settle the same by Judgment, Reference, or other amicable Way; and that in all Suits and Actions then depending or commenced (where there were real Disputes, and which could not be settled in an amicable Manner, or tried with Justice to the Parties) ought to stand and remain, during these Times of public Calamity, in their then present State and Condition, or be continued until otherwise ordered by Act of Assembly, or some future Convention; save and except only that Bail might surrender their Principals in their own Discharge, and for Want of other Bail, that the Principal might be committed; and that thereafter proper Provision ought to be made, by Act of Assembly, for re-instating, re-establishing and prosecuting the Business of the Courts, and for barring the Act for the Limitation of Suits: And it was further resolved by the said Convention, That no civil original Writ, Suit, or Action, should be commenced and renewed in any Court of Law, or any Magistrate's Warrant of a civil Nature issued within this Province, after Publication and due Notice of the said Resolve, unless in the following Cases, Ejectment, Trespass, Trover, Replevin, Detinue; also all real Actions, Actions for Words, and for Money or Tobacco actually had and received by one Person for the Use of another; Attachments under the late Act of Assembly, and against Persons Non-resident; Actions or Process on Loan-Office Bonds; without the Licence or Permission of the Committee of Observation of the County where the Debtors or Defendants reside, which shall or may be granted in the Instances and Manner therein after mentioned, and not otherwise; that the said Committees respectively should, upon Application, give Licence for bringing or prosecuting Suits in the following Cases, that is to say, When Debtors refuse to renew their Obligations or other Securities, or to give reasonable Security to liquidate and settle their Accounts and give promissory Notes for the Balances, or to refer their Disputes, if any, to one or more indifferent Persons, or are justly suspected of Intention to leave the Province, or to defraud their Creditors; and that the said Committees might in their Discretion grant Licences in the following Cases, to wit, for the bringing Actions by and against Executors and Administrators, as such, and their Securities, and for the bringing Actions against Guardians for the Recovery of filial Portions, or the Rents and Profits of Orphans Estates: And it was also further resolved by the said Convention, That no Execution shall issue on any Judgment obtained in the Provincial Court after *April* Term then last past, or in the County Courts after the then last *March* adjourned Courts, without such Licence as aforesaid, save only in the Cases above specified, or where the original Actions should be brought by Licence from the Committee of Observation. And, Whereas at another Convention, held