

CHAPTER 9.

AN ACT respecting the continuance of Civil Suits in the general and county courts.

A supplement, 1794, ch. 6.

Preamble.

WHEREAS, by law no action can be continued in the general court beyond the end of the fourth court after the appearance court, except only in causes where evidences are wanted from beyond sea: And whereas by law no action can be continued in any county court beyond the end of the third court after the appearance court, unless on affidavit that testimony material is wanting: And whereas the said courts respectively ought to have a discretionary power to continue causes, under certain circumstances, as long as they may think absolutely necessary for the due and full administration of justice between parties;

By 1796, ch. 43, sec. 11, the continuance is limited in the county courts to the end of the first court after the imparlance court, unless further continued by consent, &c.

By 1806, ch. 41, sec. 1, no action to continue longer than the end of the first court after the imparlance court.

No action shall be continued, &c.

SEC. 2. *Be it enacted by the General Assembly of Maryland,* That no action shall be continued beyond the time limited by law on the suggestion that evidence is wanting from some other of the United States, or from beyond sea, but the general court, and any county court, may, in their discretion, continue any action depending in their respective courts, on its appearing to their full satisfaction, by the oath or affirmation of the party, or some other credible person, in writing, that a witness, (who shall be named,) or testimony material, competent and proper in such suit, is really wanting from some other of the United States, or from beyond sea, and that the party alleging the same to be wanting, or his attorney or agent, hath used his proper and reasonable endeavours to procure the same, and that the party, or such other credible person, verily believes that the cause cannot be tried with justice to the party without such evidence or testimony, and that he has a reasonable expectation and belief that the same can be thereafter procured in some reasonable time, of which time the said courts shall determine, unless the court, on examination of the party or parties shall be of opinion that the fact to be proved by such testimony is immaterial, or the adverse party will admit the truth of such allegation or fact thought material, or necessary to be proved, in either of which cases the trial shall proceed, or the cause be discontinued with costs to the party requiring no delay.

Courts may examine, &c.

SEC. 3. *And,* to enable the said courts respectively to guard as far as possible against the continuance of any cause for delay only, *Be it enacted,* That they may examine into the nature of the action, and the ground or cause of delay, and also into the