

to have obtained a judgment at law on his demand, in order to the relief sought in the case, either in his own behalf or in the behalf of any other creditors who shall claim to participate in the benefit of the decree in the case; but when the debt of such plaintiff shall not be admitted by the pleadings in the case on the part of the defendant interested in contesting the same, the court shall, on application of any of the parties, send to any court of law an issue for determining the fact of such indebtedness, subject to the rules usually applied to issues out of chancery; providing, this act shall not apply to any case pending in court in this State.

Morton v. Graffin, 68 Md. 562.

Inebriates.

1894, ch. 474.

47. Whenever, by petition, under oath, any person shall be alleged to be an habitual drunkard, incapable of taking care of himself or his property, any circuit court of this State and also either of the circuit courts of Baltimore city, shall have the power, in its discretion, on such preliminary examinations or inquiry, as it may think proper to make ex parte, to issue a warrant to the sheriff of the county or city, respectively, to arrest and bring the party so charged before such court; and it shall be the duty of the sheriff to obey such warrant; and such court shall cause a jury of good and lawful men, to be summoned by the said sheriff, to be empaneled forthwith, and shall charge said jury, under oath, to inquire, in the presence of such person, whether he is an habitual drunkard, incapable of taking care of himself; and the proceedings in such case shall be like those now authorized by law in cases of persons alleged to be lunatics or insane; and the rules of law and proceedings now applicable to the property of lunatics shall apply to cases of persons declared to be habitual drunkards under the provisions of this section, except when herein otherwise directed; and any person who may be alleged to be an habitual drunkard may dispense with the legal proceedings to establish the same, and may, with the approbation of the court wherein said petition may be filed, appoint his own committee, and may voluntarily enter any institution selected by the court, for a limited time; and the board of trustees or managers of such institution may retain such person the length of