

CHAPTER 104.

AN ACT to repeal section one hundred and twenty-five of article ten of the Code of Public Local Laws, title "Dorchester County," as enacted by the act passed at January session, eighteen hundred and seventy, chapter three hundred and seventeen, relating to Justices of the Peace and Constables, and to re-enact the same with amendments.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the act passed at January session, eighteen hundred and seventy, chapter three hundred and seventeen, adding a section to article ten, Code of Public Local Laws, entitled "Dorchester County," sub-title "Justices of the Peace and Constables," be and the same is hereby repealed and re-enacted so as to read as follows:

125. Every summons issued by any justice of the peace in and for Dorchester county, when the plaintiff is a resident of said county, shall be made returnable before the same or any justice of the peace of the district in which the defendant may reside, and the defendant shall have his election at the time the summons is served on him or within five days thereafter, to have the same returned to and his cause tried before any justice of the peace in which he, the said defendant, may reside; provided, however, that on the return day of the writ, if either party shall make affidavit before such justice that he believes he cannot have an impartial trial before such justice, then the said justice shall transmit all the papers in the case to some third justice of the peace, if there be one, in the same district, and if there be none, then to some justice of the peace in an adjoining district, who shall fix some reasonable day and proceed to trial as if the suit had originated with him; and provided that the defendant shall at the time he elects to have the writ returned to a justice other than him who issued it, and the party making such affidavit for removal shall at the time thereof pay to the constable or justice all costs incurred to such time, which costs shall be taxed on

Repealed and re-enacted

Summons issued shall be returnable.

Defendant shall have election

Return day of writ.

Shall transmit all papers

Proceed to trial.

Pay all costs incurred.