

CHAPTER 180.

CHAP. 180.

AN ACT to make valid the acts of Judges in holding Sessions of Courts, without express provisions of Law, and to declare the effect of process irregularly issued therefrom.

Passed May 25, 1852.

WHEREAS, by reason of the change of Government, Preamble. form the old to the new Constitution, sundry informalities and irregularities have happened in the holding of the Courts of Justice, and in the issuing of process therefrom, which it is proper the Legislature should make valid where practicable, and promote right and justice in such cases, Therefore,

SECTION 1. Be it enacted by the General Assembly of Maryland, That all the sessions of the Circuit Courts for the several counties, and of the Superior Court, the Court of Common Pleas, and of the Criminal Court for the City of Baltimore, held or commenced prior to the passage of this act, and since the first Wednesday of November, one thousand eight hundred and fifty-one, shall be held to all intents and purposes, to have been regular and conformable to the intention of the Constitution, and all the proceedings had and done by said courts, and all orders, decrees and judgments passed thereby, shall be considered and determined to be as binding, legal and effectual, as if the said sessions had been held pursuant to express acts of Assembly. Proceedings declared legal.

SEC. 2. And be it enacted, That in all cases where defendants have appeared, or shall appear, in any of the aforesaid courts, or before justices of the peace, pursuant to process, which shall have been issued prior to the passage of this act, however irregular or incorrect, either in form or in test, or in any other respect, such process may have been, such appearance shall be held and adjudged to be a waiver of all errors in proceedings prior to such appearance, and such proceedings shall be declared regular and legal. Appearance held and adjudged to be a waiver of all errors.

SEC. 3. And be it enacted, That in the cases stated in the preceding section, where the defendants have not appeared in the said courts or before the justices, either in person or by attorney, the return of the process shall be regarded and ruled to be tantamount to a return of not found or not served; and may be relied on as the foundation for a renewal of regular and lawful process, but not as justifying any other or further action against defendants. Defendants not appearing.