

MARYLAND GAZETTE.

THURSDAY, JANUARY 14, 1862.

Laws of Maryland.

PASSED NOVEMBER SESSION, 1861.

An ACT relative to the administration of justice in this state, and to repeal the acts of assembly there-in mentioned.

BE IT ENACTED, by the General Assembly of Maryland, That this state shall be divided into five districts, to be numbered and distinguished as follows; that is to say, Saint-Mary's, Calvert, Prince-George's and Charles counties, shall be the first district; Cecil, Kent, Queen-Anne's and Talbot counties, shall be the second district; Anne-Arundel, Baltimore and Harford counties, shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district; and Washington, Frederick, Montgomery and Allegany counties, shall be the fifth district.

And be it enacted, That county courts shall be held in each county within the said districts, and shall commence and be held as follows, to wit: Saint-Mary's county on the first Mondays in March and August; in Calvert county on the fourth Mondays in April and September; in Prince-George's county on the first Mondays in April and September; in Charles county on the third Mondays in March and August; in Cecil county on the first Monday in March and first Monday in August; in Kent county on the third Monday in March and second Monday in October; in Queen-Anne's county on the first Monday in May and fourth Monday in October; in Talbot county on the fourth Monday in May and second Monday in November; in Anne-Arundel county on the third Mondays in April and September; in Baltimore county on the first Monday in February, first Monday in June, and third Monday in November; in Harford county on the third Mondays in March and August; in Caroline county on the first Monday in March and second Monday in October; in Dorchester county on the third Monday in March and fourth Monday in October; in Somerset county on the second Mondays in May and November; in Worcester county on the second Mondays in February and August; in Washington county on the third Monday in February and third Monday in August; in Frederick county on the first Monday in February and first Monday in August; in Montgomery county on the first Mondays in March and November; and in Allegany county on the third Monday in April and third Monday in October.

And be it enacted, That the governor and the council be authorized and requested to appoint and commission, for each of the said districts, one person of integrity, experience, and sound legal knowledge, who shall reside in the district for which he is appointed, (who shall be styled in the commission Chief Justice of the County Courts in such district,) and to appoint and commission, in each of the counties of this state, two persons of integrity, experience and knowledge, residents of the county for which they were appointed, (who shall be styled in the commission Associate Justices of the County Court of the county for which they shall be appointed;) and the said justices shall hold their commission during good behavior, and may be removed for misbehaviour in the same manner as the chancellor and the judges may be removed, agreeably to the constitution of this state, and not otherwise.

And be it enacted, That the county courts in each district shall be composed of the chief justice of the district in which each county shall be, and of two associate justices appointed for such counties respectively; and that the said county court, or the chief justice alone, or the two associate justices, shall have, possess and execute the same power, jurisdiction and duties now vested in, or required of, the county courts of this state, except in the cases hereafter excepted; and an appeal or writ of error shall lie to the general court in the same manner, and under the same regulations, as is now or shall hereafter be allowed by law from the county courts to the general court; and any one of the said associate justices may hold and adjourn the said court, and empanel and charge the grand jury, and direct process to issue on any presentment or indictment found in the said court, or on any petition or complaint exhibited to the said court, and he may direct subpoenas to issue for witnesses to attend the said court, or attachments of contempt to issue against witnesses or jurors for non-attendance, and he may direct any witness to be sworn to the grand jury, and receive any presentment or indictment from the grand jury, and take recognizances for the appearance of witnesses, or any person presented or indicted, and he may commit any person presented or indicted for want of security, and he may direct judgments to be entered on confession, or non-sum informans, and on default or amendments of the grand jury, and may direct commit-

ments to be entered against persons brought in on executions, and may take special bail in any cause existing, or that may exist, in the court of which he is associate, and may also, in court sitting, accept the surrender by the principal of himself in discharge of his bail, and by the bail of the principal in discharge of himself, and take new bail, or commit for want of bail, and take recognizances for the appearance and security of any person or persons who have filed or may file petitions for freedom, provided always, that nothing herein contained shall extend to alter or change the powers of the court of oyer and terminer and gaol-delivery for Baltimore county, or to give to the county court of Baltimore criminal jurisdiction.

And be it enacted, That all acknowledgments of deeds hereafter made for the conveyance of land before any chief justice of a district, within his district, or any associate justice, within his county, shall be as good and valid in law as if the same was made before any judge of the general court, or before two justices of the peace, any law, usage or custom, to the contrary notwithstanding.

And be it enacted, That the said courts shall have power, in the trial of actions at law, on motion made at the first court after the appearance court, supported by affidavit, that the same is not intended for delay, and due notice thereof being given, to require the parties to produce copies, certified by a justice of the peace, of all such parts of all books or writings in their possession or power as contain evidence pertinent to the issue, or to answer any bill for discovery only which may be filed by the second court after the appearance court, in cases and under circumstances where they might be compelled to produce the said original books or writing, or answer such bill of discovery, by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with any such order to produce such books or writings, or answer such bill of discovery, it shall be lawful for the said courts, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order to produce books or writings, or to answer any bill for discovery only, it shall be lawful for the said courts, on motion as aforesaid, to give judgment against him, her or them, by default; provided, that any plaintiff or defendant may, in compliance with any rule for producing extracts of such books or papers, bring into court the original books or papers.

And be it enacted, That neither the chief justice of any district, or any of the associate justices, after their appointment and qualification, or any register of wills, shall act as an attorney or solicitor in any court of law or equity in this state during the time that they shall respectively act as such.

And be it enacted, That no action to be commenced in any county court appointed in virtue of this act shall continue longer than the end of the first court after the imparlance court, unless by consent of parties, at the discretion of the court, or such cause as the law may allow for the continuance of suits beyond the time limited, shall appear to the satisfaction of the court.

And be it enacted, That in all cases where suits may hereafter be brought by any person or persons, nonresidents of this state, or who may remove out of the state after the bringing of such suit or suits, the defendant or defendants against whom such suit may be commenced, or his, her or their attorney, may lay a rule, at or before the trial court, on such plaintiff or plaintiffs, or his, her or their attorney, to give security for all costs and charges that the said defendant or defendants may be put to in case such plaintiff or plaintiffs shall be nonsuited, or judgment be given against them; and in case of non-compliance with such rule, judgment of nonsuit shall be entered; provided nevertheless, that if any defendant or defendants shall lay a rule on any plaintiff or plaintiffs for security for costs at the trial court, that then and in such case the court granting said rule may, at the instance or motion of the plaintiff or plaintiffs, by his, her or their counsel, at their discretion, continue said cause until the next term.

And be it enacted, That when any action shall be brought, and it shall be entered upon the record that such suit is brought for the use of any other person or persons, and the plaintiff or plaintiffs in such action shall discontinue or strike off his, her or their said action, or be nonsuit thereon, or in case there shall be a judgment or verdict in favour of the defendant or defendants, the party or parties for whose use the action was instituted shall be answerable for the legal costs of suit, and may be proceeded against by attachment against the person or property of such party or parties for the recovery of the same, in the same manner as if he, she or they had been entered by rule of court the security for such costs of suit.

And be it enacted, That it shall not be lawful for any person whatsoever to evade any inhabitant of this

state to be arrested out of the county where he or she doth reside, by virtue of any capias ad respondendum, or capias ad satisfaciendum, for any debt, damage or cost, until the sheriff or coroner of the county where such defendant shall reside shall have returned a non est inobediens on a capias ad respondendum, or capias ad satisfaciendum, issued at the request of the said person against the defendant.

And be it enacted, That if any person be arrested upon a capias ad respondendum, contrary to the intent of this act, the plaintiff in the said action shall suffer a nonsuit, and pay the defendant his or her reasonable costs and charges, to be adjudged him or her by the court from whence such process issued; and if any person be taken in execution contrary to the directions hereby, the court from whence such execution issued shall discharge him or her from his or her imprisonment; provided always, that nothing in this act contained shall extend to the benefit or advantage of any person who shall abscond from justice in the county where they live, but that such persons may be arrested in any county wherever they may be found.

And be it enacted, That after the commencement of this act no commission shall issue to any person, except to the said several chief justices and associate justices, to be a justice of any county court, but only to be a justice of the peace of such county; and upon the issuing of any commission, the justices appointed therein shall assemble, as soon as convenient, at the court-house of their county, and qualify as heretofore; but if any of the persons appointed are absent at the time of meeting, they may qualify at any time before any one of them who shall have before qualified.

And be it enacted, That every justice appointed and commissioned in virtue of this act shall, before he acts as such, take the oaths of fidelity and support to this state, as required by the constitution and laws thereof, provided he hath not before taken the same, and also the oath of justice as required by the act of February session, seventeen hundred and seventy-seven, chapter five.

And be it enacted, That if the chief justice of any county court, appointed and commissioned in virtue of this act, shall refuse to act, or after acceptance shall resign, die, remove out of his district, or be rendered incapable to act, or if any associate justice, appointed and commissioned in virtue of this act, shall refuse to act, or after acceptance shall resign, die, be rendered incapable to act, or remove out of the county, the governor for the time being, with the advice and consent of the council, is hereby authorized and requested to appoint and commission another fit and proper person to fill such vacancy.

And be it enacted, That every chief justice of any county court, appointed and commissioned in virtue of this act, shall have, within the district for which he shall be appointed, all the powers and jurisdiction of a justice of the peace, except only as to the hearing and determining in the case of small debts out of the court; and every associate justice, appointed and commissioned in virtue of this act, shall have, within the county for which he shall be appointed, all the powers and jurisdiction of a justice of the peace out of court, except only as to hearing and determining in the case of small debts out of court, and sitting as a justice of the peace in the levy court.

And be it enacted, That the said chief justice, or either of the associate justices, may, out of court, direct the clerk to enter judgments by confession, or non-sum informans, and such judgments shall be as legal and valid as if entered in court during its sitting.

And be it enacted, That every chief justice appointed and commissioned in virtue of this act, or who may hereafter be appointed in virtue of this act, shall receive as a compensation for his services, as follows, viz. For the first district, at the rate of one thousand three hundred dollars per annum; for the second district, at the rate of one thousand two hundred dollars per annum; for the third district, at the rate of one thousand one hundred dollars per annum; for the fourth district, at the rate of one thousand dollars per annum; and the treasurer of the western shore shall and he is hereby authorized and directed, to pay quarterly, out of any unappropriated moneys which may be in the treasury, to each of the said justices, or to his order, the moneys which by law he is entitled to receive.

And be it enacted, That the following shall be and be deemed to be the following fees and moneys in the county courts of this state, to wit: On every writ of ejectment, summons for attachment or docket, and on every writ of replevy, habeas corpus, and