

MARYLAND GAZETTE

THURSDAY, JANUARY 22, 1807.

Maryland Gazette.

ANNAPOLIS, THURSDAY, January 22, 1807.

Laws of Maryland,
PASSED NOVEMBER SESSION, 1806.

Further additional supplement to an act, entitled,
An act to regulate the inspection of tobacco.

WHEREAS by the original act, to which this is a further additional supplement, and the several supplementary acts thereto, no provision is made authorizing the governor and council to fill the vacancies of inspectors occasioned by the death, resignation, or removal of any inspector or inspectors out of the county for which the said inspector or inspectors were appointed; for remedy whereof,

BE IT ENACTED, by the general assembly of Maryland, That in case any inspector or inspectors should die, resign, or remove out of the county for which the said inspector or inspectors were appointed; the governor and council are hereby authorized and required to supply the vacancy of such inspector or inspectors, out of the nomination of such persons as are recommended by the levy courts; provided, that the said person or persons, having a settled property to the value of eight hundred dollars, shall be well skilled in the curing and packing tobacco, and the order, quality and condition thereof; and well qualified and capable, from integrity, reputation and diligence, to execute and discharge the office and duty of inspector; and provided also, that if the said persons, so recommended, will not act as such, then and in such case the said governor and council are hereby authorized and required to appoint and commission any other person or persons, qualified as aforesaid.

An act authorizing the justices of the orphans courts to take sheriff's bonds.

WHEREAS great inconveniencies have been experienced in many of the counties in this state in taking sheriff's bonds, in which a judge of the courts, as now established, does not reside; for remedy whereof,

BE IT ENACTED, by the general assembly of Maryland, That it shall be lawful for the justices of the orphans courts, or any two of them, in their respective counties, either in court or out of court, to take sheriff's bonds, in the same manner as the chief justice or associate justices were heretofore empowered to take the same, or as a judge of the courts as now established is authorized to do; and the bond, when so taken, shall be lodged with the clerk of the county court of the county in which the same may have been taken, and shall by him be recorded among the records of his county, and upon such bond, or any office copy thereof, suit or suits may be instituted against the obligor or obligors.

An additional supplement to an act, entitled, An act for regulating the mode of staying execution, and repealing the acts of assembly therein mentioned, and for other purposes.

WHEREAS many inconveniencies have arisen under the law, entitled A supplement to an act, entitled, An act for regulating the mode of staying execution, and repealing the acts of assembly therein mentioned, and for other purposes; therefore,

BE IT ENACTED, by the general assembly of Maryland, that in case any constable shall neglect to make due return of any execution directed to him by virtue of this act to which this is a supplement, it shall be lawful for the justice who issued the said execution, on proof of the delivery of the writ of execution to the said constable, to call such constable before him, and unless a good excuse is offered, to fine such constable any sum not exceeding fifteen shillings, and such justice may thereupon allow a future day, not exceeding fourteen days, to such constable to make return hereof, and in case such constable shall fail to make return by the time limited, it shall and may be lawful for such justice, at the request of the plaintiff, his agent or attorney, to enter judgment against said constable, and his securities, in favour of the plaintiff, for the amount of his debt and costs; and in case any constable shall make due return of any execution directed to him as aforesaid, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him, it shall be lawful for the justice before whom the said writ of execution is returned, at the request of the plaintiff, his agent or attorney, at any time within sixty days from the return day of said execution, to enter judgment for the plaintiff against the said constable, and his securities, for the amount of the debt and costs, on which judgment execution may issue immediately, directed to the sheriff of the county, or the constable of any hundred in said county, who is hereby directed to execute the

same; provided, that such judgment shall not be entered until proof shall be made, on oath or affirmation, that the debt and costs have been demanded by the plaintiff, his agent or attorney, of the said constable, and that he hath refused or neglected to pay the same.

AND BE IT ENACTED, That any justice imposing any fine by virtue of this act, may issue execution for the same in the nature of *capias ad satisfaciendum* or *feri facias*, directed to the sheriff, or the constable of any hundred in said county, and the same shall be applied towards defraying the county charges.

AND BE IT ENACTED, That if any constable, against whom judgment shall be entered as aforesaid, shall satisfy the plaintiff the amount of his debt and costs, he shall have the same remedy against the defendant, on the plaintiff's judgment against him, as the plaintiff himself might originally have had.

AND BE IT ENACTED, That this act shall continue to be in force for and during the continuance of the act to which this is a supplement.

AND BE IT ENACTED, That so much of the act to which this is a supplement, as is contrary to, or inconsistent with, this act, be and the same is hereby repealed.

An act to compel justices of the peace to take cognizance of persons retailing liquors without licence in the recels of court, and for other purposes.

WHEREAS the act for founding a college on the western shore of this state, together with Washington college on the eastern shore, into one university, by the name of the University of Maryland; and the supplements thereto, are not sufficient to prevent coalters, and others, from retailing liquors without licence, in the recels of the county courts; therefore,

BE IT ENACTED, by the general assembly of Maryland, That from and after the passage of this act, it shall be the duty of the justices of the peace in the several counties in this state, upon information being given of any person retailing any wine, rum, brandy, whiskey, or other distilled spirituous liquors, strong beer or cider, in this state, without a licence or permit for that purpose, obtained agreeably to law, to issue a warrant, under his hand, directed to some constable, or some other person legally authorized in his county, to take such person or persons, thus offending, into his custody, and to bring them immediately before him, or some other justice of the peace, and upon the fact being made appear, it shall be the duty of such justice of the peace to take the recognizance of such person or persons, with such security as he may deem sufficient, in the sum of six pounds current money, conditioning, that the principal shall make his personal appearance at the next county court of the county where the said justices shall reside, and not depart the said court without leave thereof; provided, that nothing herein contained shall be deemed, construed or taken, to prohibit the maker, distiller or brewer, of any spirituous liquors, beer or cider, from retailing the same in such manner as is prescribed by law.

AND BE IT ENACTED, That it shall be the duty of the constables, in their respective counties, to make strict inquiry, and to call on all persons who do not reside in their respective counties, and who are retailing any of the liquors above mentioned, for their licence or permit, and upon his or their refusal to produce the same, the said constables shall give information immediately to some one of the justices of the peace, under the penalty of ten dollars, to be recovered before a justice of the peace as other small debts are recovered.

AND BE IT ENACTED, That all fines imposed by this act shall be paid to the clerk of the county, who shall account for the same with the levy court thereof, to be applied towards paying the county charges.

An act supplementary to an act, entitled, An act to provide for the organization and regulation of the courts of common law in this state, and for the administration of justice therein.

BE IT ENACTED, by the general assembly of Maryland, That no action commenced, or to be commenced, shall continue longer than the end of the first court after the imparlance court, unless with consent of parties, at the discretion of the court, or for such cause as the law heretofore allowed for granting a continuance beyond the time limited herein appearing to the satisfaction of the court; provided, that such actions as have been transferred from the general court to the county courts, by the act to provide for the organization and regulation of the courts of common law in this state, and for the administration of justice therein, shall continue in the same manner, for the same time, and under the same circumstances, as they might have continued in the general court.

AND BE IT ENACTED, That where any writ of error has been or may be brought, or exception taken,

in any action transmitted from the late general court to any county court, under the provisions of the act to which this is a supplement, the court of appeals shall determine thereon upon the points arising out of the real merits of the case, and not upon the legal form of the record, nor shall the judgment which may be in such cases entered, or the opinion given in the county court, be reversed for the want of legal form in such record.

AND BE IT ENACTED, That the fortieth and forty-sixth sections of the act to which this is a supplement are hereby declared null and void.

AND BE IT ENACTED, That all executions which issued out of the late general court, previous to, or on the thirtieth of November, in the year of our Lord one thousand eight hundred and five, and which were not placed in, or which were placed in the hands of, and returned by, the proper officer to whom they were respectively directed, to the court of appeals in June last shall be in the same state and condition, and of the same force, validity and effect, as if all such executions had been issued under and in virtue of the twenty-eighth section of the act to which this is a supplement; and all executions which have issued, or shall issue, out of the court of appeals for the western or eastern shores respectively, on any judgment rendered in the late general court of either shore, shall be of the same force, validity and effect, and may be proceeded in the same manner, as if all such executions had issued on judgments rendered in the said court of appeals respectively.

AND BE IT ENACTED, That all fees which may accrue to any attorney, clerk, sheriff, surveyor or other officer, of any of the courts of this state, after the first day of June next, shall be charged and sent out for collection in dollars and cents, and not otherwise, and all taxations of the costs of suits shall hereafter be made in dollars and cents.

An act to continue certain acts of assembly.

BE IT ENACTED, by the general assembly of Maryland, That all and every act or acts of assembly which are limited by law to continue to the end of the present session of assembly, or which would expire during the same, or before the end of the next general assembly, be and they are hereby severally continued until the thirty-first day of October next, and until the end of the next session of assembly thereafter, unless such as are repugnant to, or inconsistent with, any law which may have passed during the present session of assembly, and subject to any alterations which have been made therein.

An act concerning the chancery court.

BE IT ENACTED, by the general assembly of Maryland, That in any suit in the chancery court in which the chancellor for the time being may have been counsel, or have given his opinion, and on that account may conceive that he cannot conscientiously act thereon, and shall so certify in writing, the same shall be heard and determined by the chief judge of the third judicial district, or by the court thereof, at the election of the complainant, and all interlocutory and other orders in such cases shall be made by the said chief judge, which determinations and orders shall have the same effect as if made by the chancellor, and such decree shall be subject to appeal in like manner.

AND BE IT ENACTED, That the chancellor may require the opinion of the chief judge of the said district on any question of law which may arise in any suit in chancery, and in which, according to the usual practice, such opinion may be thought necessary; and that it shall be the duty of the said chief judge to express, in writing, such opinion; provided, that in case of such opinion being given, or in the case of any decree or order made by the said chief judge, or by the court, he being sitting therein, the said chief judge shall withdraw from the bench upon deciding of the same case before the court of appeals.

An act to prohibit the emigration of free negroes into this state.

BE IT ENACTED, by the general assembly of Maryland, That no free negro or mulatto shall emigrate to, or settle in this state, after the passage of this act, under the penalty of ten dollars for every week any such person shall remain in the state after the expiration of two weeks, and any free negro or mulatto, who shall refuse or neglect to pay the fine imposed by this act, or who shall not give such security to any justice of the peace of the county in which they shall be found, for his departure from this state within two weeks, as the judge or judges of the county court, or the said justices, shall approve of, shall be committed to the goal of the county, and may be sold therefrom by the sheriff of the county, after ten days notice of such sale, for a term sufficient to pay the fines herein imposed, with the costs.

AND BE IT ENACTED, That no person in this state shall hereafter hire, employ or harbour, any free