

MARYLAND GAZETTE AND POLITICAL INTELLIGENCER.

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LAWS OF MARYLAND, Passed December session, 1817.

AN ACT

Concerning the judgments and judicial proceedings of the courts of justice in this state, and to provide for the completion of the records in certain cases.

1. Be it enacted by the General Assembly of Maryland, That in all cases of judgments and final proceedings, duly rendered and made in the late provincial court, and in the late general courts of the western and eastern shores, of this state, which according to the laws of the land heretofore used and approved, ought to have been recorded, but nevertheless remain unrecorded by the respective clerks whose duty it was to record the same, it shall and may be lawful for the respective clerks of the court of appeals on the western and eastern shores, in whose custody and care the books, papers and proceedings, may remain, and they are hereby authorized and required, on the application of any person or persons, being interested in any such judgment or final proceeding, and having occasion to use the same, to grant and certify an exemplification or official copy of a record thereof, in like manner as if such judgment or final proceeding had been duly recorded and signed by the clerk whose duty it was to enrol the same; and the minutes of the said provincial and general courts, the entries on the dockets, and the original papers and documents filed in such cases, shall be sufficient vouchers to the said clerks for entering the style of the court by which, and the term and year in which, such judgment or final proceeding was rendered or made, and for making a due and proper record thereof.

2. And be it enacted, That in all cases of decrees and final proceedings rendered and made in the court of chancery of this state, which according to law ought to have been recorded, but nevertheless remain unrecorded by the registers whose duty it was to record the same, it shall and may be lawful for the register of the said court of chancery, for the time being, and he is hereby authorized and required, on the application of any person or persons being interested in any such decree or final proceeding, and having occasion to use the same, to grant and certify an exemplification or official copy of a record thereof, in like manner as if such decree or final proceeding had been duly recorded and signed by the register whose duty it was to enrol the same; and the minutes of the court, and the original papers and documents filed in such cases, shall be sufficient vouchers to the said register for entering the style of the court by which, and the term and year in which, such decree or final proceeding was rendered or made, and for making a due and proper record thereof.

3. And be it enacted, That in all cases of judgments, decrees, and other final proceedings, duly had, rendered and made, in the several county courts, as formerly or now established within this state, which according to the laws of the land heretofore used and approved, ought to have been recorded, but nevertheless remain unrecorded by the respective clerks whose duty it was to record the same, it shall and may be lawful for the several clerks of the county courts, for the time being, and they are hereby authorized and required, on the application of any person or persons being interested in any such judgment, decree or final proceeding, and having occasion to use the same, to grant and certify an exemplification or official copy of a record thereof, in like manner as if such judgment, decree or final proceeding, had been duly recorded and signed by the clerk whose duty it was to enrol the same; and the minutes of the court, the entries on the dockets, and the original papers and documents filed in every such

cause, shall be sufficient vouchers to the said respective clerks for entering the style of the court by which, and the term and year in which such judgment, decree, or final proceeding, was had, rendered or made, and for making a due and proper record thereof.

4. And be it enacted, That the person or persons applying for the exemplification or official copy of any such record, shall be chargeable for the same to such clerk or register who shall grant the same, for the like fees and in like manner for other copies taken from his office.

5. And be it enacted, That the executors or administrators of the officers now deceased, who in their life-time were the respective clerks of the general courts for the western and eastern shores, or the securities of such deceased officers, whose papers and judicial proceedings remain unrecorded, and each and every officer now living, who lately was the clerk or register of any court of justice within this state, and has been removed or has resigned, or the securities of such officer, whose papers and judicial proceedings remain unrecorded, and the executors or administrators of each and every officer, now deceased, who in his life-time was the clerk or register of any such court, or the securities of such deceased officer, whose papers and judicial proceedings remain unrecorded, and the present clerk or register of any such court whose papers and judicial proceedings remain unrecorded, shall respectively proceed, without delay, to record, or cause to be recorded, in sufficient and well bound books, and in a fair and correct manner, all and singular the judgments duly rendered in each and every action of ejectment, trespass, quare clausum fregit, dower, partition, replevin wherein an avowry has been pleaded or rent recovered, judgments in debt, or damages under which any lands or tenements have been seized in execution, and the several returns to such executions, and all decrees, petitions, commissions, returns, deeds, papers and proceedings, whatsoever, relating to lands, tenements, and other real estate, which shall be had, rendered or made, in such court, or filed or delivered to be recorded, and now required according to the laws of the land to be recorded; and the records of all such judgments, decrees, papers and proceedings, shall be made up at full length, and in the manner herein before required, within the term of twelve months from and after the time when the said judgments, decrees and proceedings, shall be finally rendered, made or had, or when such deeds, papers and returns, shall be received or required to be recorded; and the chancellor and judges of the respective courts of justice, or any one or more of them, at every term, shall inspect the records and papers of the offices attached to their respective courts, and examine the condition thereof, and see whether the duties required by this act be duly performed; and if any clerk or register shall neglect or refuse to perform the duties hereby directed and provided, he shall forfeit and pay a sum not exceeding one hundred dollars for every offence, and such conviction shall be deemed and taken as evidence of misbehaviour in office, for which he may be removed.

6. And be it enacted, That from and after the end of this session of assembly it shall not be the duty of any clerk of any court of law, or of the register of any court of chancery, within this state, to make up the record of any judgment, decree, or judicial proceeding, which shall not relate to lands, tenements, or other real estate, or affect or concern the title, right or interest therein, as herein before particularly mentioned, unless required in writing by some party or person interested in such proceedings; but nevertheless, if any person or persons shall require an exemplification or official copy of a record of such judgment, decree or judicial proceeding, it shall be lawful for the clerk or register to grant and certify the same, and the minutes of the court, the entries of the dockets, and the original papers and documents filed in such cases, shall be sufficient vouchers to the clerk or register for entering the style of the court by which, and the term and year in which, such judgment, decree, or final proceeding, was had, rendered or made, and for making a due and proper record thereof.

7. And be it enacted, That instead of making up the records of judgments, decrees and judicial proceedings, herein before lastly mentioned, it shall be the duty of the clerk or register of the respective courts of justice aforesaid, and each and every of them is hereby directed and required, forthwith to provide one or more substantial and well bound book or books, and therein, immediately after every term, to enter and transcribe, in a fair and correct manner, and according to the true intent and meaning of each proceeding, the minutes of the court, and the docket entries of all and every action, prosecution, suit and execution, civil, criminal and equitable, which shall have ended during the said term by trial, judgment, decree, submission, agreement, non pros, discontinuance, satisfaction, or otherwise howsoever; and such transcripts shall contain the style or names of the parties, the nature of the case, and other memoranda, as they do or should appear upon the dockets, and the judgment, decree, order or agreement, by which the several actions, prosecutions or suits, were terminated; and the bills of costs, recovered

able by the party in whose favour they shall have been awarded, shall be likewise transcribed and entered; and all the said books shall be truly and regularly paged and alphabetized before the ensuing term; and the said chancellor and judges of the respective courts of justice, or any one or more of them, at each succeeding term, shall require the said clerk or register to produce the said book, and shall inspect and examine the entries therein transcribed, and the manner in which the services are performed, and decide whether the duties hereby required have been faithfully discharged; and if any clerk or register shall neglect or refuse to provide the said book, or to make the transcripts hereby required in the manner herein prescribed, he shall forfeit and pay a sum not exceeding one hundred dollars for every offence, to be recovered by indictment and conviction as aforesaid; and such conviction shall be deemed and taken as evidence of misbehaviour in office, for which he may be removed.

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9. And be it enacted, That instead of making up the records of judgments, decrees and judicial proceedings, herein before lastly mentioned, it shall be the duty of the clerk or register of the respective courts of justice aforesaid, and each and every of them is hereby directed and required, forthwith to provide one or more substantial and well bound book or books, and therein, immediately after every term, to enter and transcribe, in a fair and correct manner, and according to the true intent and meaning of each proceeding, the minutes of the court, and the docket entries of all and every action, prosecution, suit and execution, civil, criminal and equitable, which shall have ended during the said term by trial, judgment, decree, submission, agreement, non pros, discontinuance, satisfaction, or otherwise howsoever; and such transcripts shall contain the style or names of the parties, the nature of the case, and other memoranda, as they do or should appear upon the dockets, and the judgment, decree, order or agreement, by which the several actions, prosecutions or suits, were terminated; and the bills of costs, recovered

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10. And be it enacted, That as a better compensation to the said clerks and register for the books they are obliged to procure, and for making on their records fair entries of their proceedings, they shall respectively be entitled to charge, demand and receive, the following fees, instead of those to which they are now entitled for the like services; that is to say, for transcribing the docket entries directed by this act, fifty cents for each action, suit or prosecution, to be included in the bill of costs; for recording in his record books every matter and thing required to be recorded, ten cents per side; for every exemplification or official copy under his certificate and seal of office, when required, ten cents per side; and for the certificate and seal annexed to such exemplifications, forty cents.

11. Provided nevertheless be it enacted, That nothing herein contained shall be construed or intended to lessen or to take away the duty of the register of wills in each and every county within this state, to record wills, inventories, accounts, and other instruments and papers returned and filed, or to be returned and filed in his office, but all such wills, inventories, accounts, and other instruments and papers, now required by law to be recorded, shall be recorded under the direction and examination of the judges of the orphans courts, by the periods and in the manner required by this act.

A further supplement to the act, entitled, An act directing the manner of suing out attachments in this Province, and limiting the extent of them. 1. Be it enacted by the general assembly of Maryland, That if any person whatsoever, not being a citizen of this state, and not residing therein, shall or may be indebted unto a citizen of this state, or of any other of the United States, in a sum of money not exceeding fifty dollars, or if a citizen of this state being indebted to another citizen thereof in a sum of money not exceeding fifty dollars, shall actually run away, abscond, or fly from justice, or secretly remove him or herself from his or her place of abode, with intent to evade the payment of his or her just debts, such creditor may in either case have the like remedy by attachment, and by the like process and proceedings, as a creditor may now have in such cases when the debt doth exceed the sum of money above mentioned.

2. And be it enacted, That if such debtor or debtors shall be arrested on the capias ad respondendum issuing with such attachment, from any county court in this state, or if the said debtor shall appear to the same within the time limited in other cases of attachment, the court in which such proceedings may be had shall have and exercise full and ample jurisdiction in such suit, in the same manner, and by the like process and proceedings, as if the said debt exceeded the said sum of fifty dollars current money.

FOR SALE. A parcel of young Negroes. Charles Watson. Feb. 26.

JAMES F. BRICE,

Attorney at Law, has just published A Familiar Explanation of the Laws of Wills and Codicils, and of the Laws of Executors and Administrators, and the Rules whereby estates both real and personal descend, and are to be distributed, in case no will be made, with instructions to every man to make his own will with the necessary form for that purpose, and the forms of other instruments relative to the estates of deceased persons. The whole written as much as possible without the use of law words or terms.

The original work, whence this compilation is derived, was, as this also is chiefly intended for the benefit of those who are unacquainted either with the doctrines or the forms of law, & who wish to be instructed how to act, without subjecting themselves to the necessity of communicating the knowledge of their private concerns to any other person. This, among other considerations, has induced the author to compile this treatise, that a book may be always at hand, to which immediate application may be had in those cases of emergency, when every moment is precious; and by means whereof many at least of those mistakes and omissions, now daily committed may be avoided, law suits prevented, and the peace of families thereby secured. The compiler has in connexion with the original work, and in order to render the present system the more complete, incorporated therein that portion of the law of this state which is applicable to the estates of deceased persons, and subjoined thereto a digest of the testamentary laws.

This work may be had at this office, at Mr. George Shaw's book store in this city, and at the book store of Mr. Coale, Baltimore.

The editors of the American & Federal Gazette are requested to insert the above in their respective papers once a week for the space of six weeks. Annapolis, Oct. 16. 22

SUBSCRIBERS

To Robbins' Journal,

Are informed that the work is received and ready for delivery, at the Book Store of Mr. Geo. Shaw, and at the Office of the Maryland Gazette. Feb. 11.

40 Dollars Reward.

Ranaway from the subscriber on the 15th ultimo, a black man by the name of Phill, (who calls himself Philip Addison) about 40 years of age, 5 feet 1 or 2 inches high, square built, with rather a pleasing countenance when spoken to, has a shaking of the right arm, occasioned by bleeding; his clothing not recollected, except a great coat of dark flannel edged with red, very much worn. It is probable he is harboured in the neighbourhood of Mr. William Sanders, where he has a wife.

The above reward will be given for securing him in any goal, so that I get him again, and all reasonable expenses paid, if brought to me, living in Prince-George's county, seven miles above Upper Marlboro', near Mr. Dennis Magruder's mill.

William G. Saunders. Jan 8 1818.

State of Maryland, sc.

Anne-Arundel County, Orphans court, February 3, 1818.

On application by petition of James Mackubin, administrator of Frederick Mackubin, late of Anne-Arundel county, deceased, it is ordered that he give the notice required by law for creditors to exhibit their claims against the said deceased, and that the same be published once in each week for the space of six successive weeks, in the Maryland Gazette and Political Intelligence.

John Gassaway, Reg. Wills, for A. A. County.

Notice is hereby given,

That the subscriber of Anne-Arundel county, hath obtained from the orphans court of Anne-Arundel county, in Maryland, letters of administration on the estate of Frederick Mackubin, late of Anne-Arundel county, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the 24th day of March next, they may otherwise by law be excluded from the benefit of the said estate. Given under my hand this 3d day of February, 1818.

James Mackubin, adm'r.

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James Mackubin, adm'r.

NOTICE

The Levy Court of Anne-Arundel county will meet in the city of Annapolis, on the third Monday, to wit, next, for the purpose of laying out the County Levy, &c.

By order, JAMES F. BRICE.

Jan 29 1818.

perhaps, more than any other time when the sea was with it a singular display of spirits—when partook of the rapidity and chased each other, in a circle. The meeting town and country—the of the comforts, luxuries of life, covered our garb of gaiety. It was youth of the year—when were in bud and bloom—ly was fragrant, as with in jessamine. It was a witchery and enchantment which it was almost if not criminal to be haled in the dreary and relaxed the sternness of lovers baited their hooks, as cast their nets; and were caught in abundance— licence for her antics— or her deceptions—and her extravagance. here the races—the jubith Carolina. But their iction has been attended little of their former lustre. The distressing of our city during the last as destroyed in a great apitude for pleasant e— The atmosphere of grief ed our feelings—and our ng upon the willows. In ess of sorrow, pleasures low can we sing," asked ites, "in a strange land." his city forget its recent and plunge into the clativities of the season. e see, and all that we e calculated to withdraw ion from minor considere and to direct it to the awcertain race of life."

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