

C H A P.
XLI.
No execution
to issue, &c.

XI. AND BE IT ENACTED, That no execution shall issue against any debtor who installed, or might have installed, under the said act, before the first day of August next; and if executions have already issued, the attorney-general shall suspend them, the defendants first paying all legal costs.

First payment
postponed.

XII. AND BE IT ENACTED, That the first payment due on the bonds of the debtors who have installed shall be postponed until the first day of August next.

Debtors may
instal, &c.

XIII. AND BE IT ENACTED, That it shall and may be lawful for all debtors who had permission to instal by the act aforesaid, to instal at any time before the first day of August next, upon the same terms and principles as are prescribed and established by the act aforesaid, except that the time of the first payment shall be on the said first day of August next, and that the manner of making payment shall be as is herein before mentioned; and if any of the said debtors who have not installed, and who shall instal before the first day of August next, have paid any part of the principal of the debt since the first day of August last, the governor and council shall have regard to the said payments, and in taking their bonds shall regulate the times of payment so as to put them on the same footing as if they had installed before the first day of August last.

Security may
proceed, &c.

XIV. AND BE IT ENACTED, That where the security of any debtor has obtained an assignment of the bond of his principal under the act aforesaid, nothing in this act contained shall prevent the said security, his executors, administrators or assigns, from proceeding and recovering on the said assigned bond, in the same manner as if this act had not been made; and if any security shall not be able to prevail on his principal to instal before the first day of August next, the said security, or his heirs, executors or administrators, may instal on the same terms that the principal might have done, and shall thereupon be entitled to an assignment of the original bond from the treasurer of the western shore, who is hereby directed to make the same, and shall have the same proceedings thereon in his or her own name, for his or her own use, as the state might have had.

Powers conti-
nued.

XV. AND BE IT ENACTED, That all powers vested in the governor and council by the act aforesaid shall be and are hereby continued until the end of the session of assembly which shall be first held after the next general election of delegates for this state.

Compensation
to trustee.

XVI. AND BE IT ENACTED, That the trustee appointed, or to be appointed, in virtue of this act, shall have, as a compensation for his services for the present year, two hundred and fifty pounds current money, and for every subsequent year, if his services shall be required, the sum of seventy-five pounds current money.

Act to be pub-
lished.

XVII. AND BE IT ENACTED, That the governor and council be requested to cause this act to be published, for the space of six weeks, in the several news-papers of this state, and to send one hundred printed copies thereof to each respective county for the information of the people.

C H A P. XLII.

Passed 22d of
Dec. 1790.

An ACT directing new trials in certain cases where judgments shall be reversed on appeal or writ of error. Lib. JG. No. 1. fol. 315.

In certain cases
court may di-
rect a new trial,
&c.

BE IT ENACTED, by the General Assembly of Maryland, That in all cases of appeals or writs of error hereafter to be prosecuted or brought before the court of appeals, by the plaintiff, upon a bill or bills of exceptions, where the judgment excepted to shall be reversed, the court of appeals shall direct their clerk to return the transcript of the record to the clerk of the general court, with a writ of *procedendo* to the judges of the general court, directing them to proceed in such action, and to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted or writ of error brought; and the opinion of the court of appeals shall be conclusive in law as to the question by them decided; and the general court, on receiving such writ of *procedendo*, shall proceed in such action, and to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted or writ of error brought, and shall direct such cause to be tried at the court to which the said writ of *procedendo* shall be returned, if the plaintiff or defendant shall give notice of trial at such court, above thirty days before the sitting thereof, to the adverse party or his attorney at law or in fact; and the trial can be had at such court with justice to the parties, and if not, such action may be continued in like manner as other actions, according to the discretion of the court; and the appellee on such reversal may be compelled to pay the costs in the court of appeals, by execution issued therefrom returnable thereto or to the general court, and all former and future costs, in the general court, of such action, shall abide the final event thereof; and if the ap-

peal