

CONSTABLES.

On receipt thereof they are to pay them, half to the informer, and half to the sheriff, to be paid to the treasurer. *Ibid.*

Constables to be sworn up to the grand jury at every county court. March, 1780, ch. 24, § 21.

Duty of constables respecting hawkers and pedlars. 1784, ch. 7, § 10; ch. 27, § 29.

Constables may, on complaint, enter the house of any retailer of spirituous liquors, and call for and inspect his measures. 1784, ch. 7, § 10; ch. 27, § 29.

Their duty respecting illegitimate children. November, 1781, ch. 13, 1785, ch. 47.

Their duty respecting small debts recovered before justices of the peace. 1791, ch. 68, § 10.

See SMALL DEBTS.

Constables to be appointed by the criminal court of Baltimore. 1793, ch. 57, § 26.

Constables may be appointed by the wreck-master in Worcester county, to summon persons to assist vessels in distress. 1799, ch. 82, § 2.

Penalty on refusal or neglect. *Ibid.* § 3.

CONSTITUTION.

This declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed or abolished, by the legislature of this state, but in such manner as this convention shall prescribe and direct. Decl. 42.

This form of government, and the declaration of rights, and no part thereof, shall be altered, changed or abolished, unless a bill to alter, change, or abolish the same, shall pass the general assembly, and be published at least three months before a new election, and shall be confirmed by the general assembly, after a new election of delegates, in the first session after such new election; provided that nothing in this form of government which relates to the eastern shore particularly, shall at any time hereafter be altered, unless, for the alteration and confirmation thereof, at least two thirds of all the members of each branch of the general assembly shall concur. Const. 59.

Alterations of the constitution. 1791, ch. 80, confirmed by November, 1792, ch. 22, 1794, ch. 29, confirmed by 1795, ch. 11, 1797, ch. 57, confirmed by 1798, ch. 2, 1797, ch. 118, confirmed by 1798, ch. 83, 1798, ch. 115, confirmed by 1799, ch. 48.

CONTINUANCE.

Time of continuance of actions in the court of appeals. 1721, ch. 14, § 2, 1730, ch. 16.

Actions in the courts of law, suffered to be continued till the end of the fourth court after the appearance court, and no longer, except in the cases therein mentioned. 1721, ch. 14, § 2.

Recital of the time of continuance by the act of 1721, and of the time of continuance in the county courts. November, 1787, ch. 9, § 1.

No action to be continued beyond that time on the suggestion that evidence is wanting from some other of the United States, or from beyond sea. *Ibid.* § 2.

But the courts may continue any action, on its appearing to their full satisfaction, by the oath or affirmation of the party, or some other credible person in writing, that a witness, (who shall be named,) or testimony material and competent in such suit, is really wanting from some other of the United States, or from beyond sea; that the party, his agent or attorney, hath used his proper and reasonable endeavours to procure the same; that the party, or such other credible person, verily believes that the cause cannot be tried with justice to the party

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without such evidence or testimony; and that he has a reasonable expectation and belief that the same can thereafter be procured, in some reasonable time, of which time the said courts shall determine. *Ibid.*

Unless the court, on examination of the party or parties, shall be of opinion that the fact, so to be proved by such testimony, is immaterial, or the adverse party will admit the truth of such allegation or fact, thought material or necessary to be proved, in either of which cases the trial shall proceed, or the cause be discontinued, with costs to the party requiring no delay. *Ibid.*

The courts may examine into the nature of the action and cause of delay, and into the proof alleged to be material, &c. and wanting for the trial of the merits, and may examine the party applying for a continuance on oath, or affirmation, as to the facts expected to be proved. *Ibid.* § 3.

In actions of trespass or ejectment, if plots are defective or not returned, and the courts may think a continuance necessary for trial of the merits, they may continue such causes, not exceeding three courts after the usual time of continuance by law, on reasonable terms. *Ibid.* § 4.

On the neglect of the surveyor to return such plots, he may be ordered to pay the costs of the term, and be fined by the court. *Ibid.*

Where a verdict shall be set aside, and a new trial granted, the courts may continue such cause, not exceeding four courts after the usual time of continuance by law, on reasonable terms. *Ibid.* § 5.

Where commissions issue to take the depositions of witnesses residing out of the state, the courts may continue such causes, not exceeding four courts after the usual time of continuance by law, on reasonable terms. *Ibid.*

Where commissions issue to parts without the United States, the cause may be continued, for want of the return thereof, as long as the court, under all circumstances, shall, in their discretion, think reasonable. 1794, ch. 6.

Where a judgment shall be set aside for fraud, &c. in obtaining it, the courts may direct the continuances to be entered from the court when it was obtained till that when it was set aside. November, 1787, ch. 9, § 6.

They may also continue such cause for trial of the merits not exceeding two courts after it is reinstated, (unless evidence, &c. is wanting as in other cases.) *Ibid.*

Where, by the death of the plaintiff or defendant, new parties are made, or to be made, the courts may continue such actions not exceeding the end of the third court after the appearance court, (unless evidence, &c. is wanting as in other cases.) *Ibid.* § 7.

Where the attendance of a witness, (residing within the state,) to a material fact, cannot be procured, the courts may continue such cause as long as they may think proper, if the adverse party will not admit the facts, or consent to the taking the deposition of such witness on interrogatories. *Ibid.* § 8.

On a special verdict, or case stated, the courts shall not continue any cause on a *curia advisare vult* longer than to the end of the third court after verdict taken, or case stated. *Ibid.* § 9.

Actions in the county courts shall not continue longer than the end of the first court after the imparance 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. 1796, ch. 43, § 11.

Causes referred by consent of parties, and rule of court, shall continue till an award is returned. 1785, ch. 80, § 11.

Where amendments are made in the proceedings, the adverse party shall have time allowed, in the discretion of the court, to prepare