

1789.

L A W S of M A R Y L A N D.

C H A P. XLI. may be, parties interested from the damage that might otherwise be occasioned by such discontinuance,

Actions, &c. revived, &c.

II. Be it enacted, by the General Assembly of Maryland, That all actions, suits and proceedings, depending in the said court, and undetermined at the said September term last, be and are hereby revived and continued to the next county court of Saint-Mary's county to be held on the Monday before the fourth Tuesday in March next, and that the said actions, suits, pleas and proceedings, shall, at the next meeting of the said court to be holden as aforesaid, be in the same state and condition as if they had been lawfully continued by the judgment or order of the said court.

Proviso.

III. Provided always, That nothing in this act shall extend to affect or make liable the bail or security for any person's appearance at the said court held in September last, in any suit, civil or criminal, unless in the case of a person under prosecution for any crime or misdemeanor a default was entered on the recognizance before the said discontinuance, or the sheriff was amerced before such discontinuance for default of the defendant's appearance in any civil suit, but any recognizance entered into by the principal shall stand as an obligation for him to appear at the next meeting of the court, in the same manner as if the condition thereof were for his appearance at the next court, and if he shall not appear on calling the recognizance at the said court, a default and judgment may be entered, and execution may be issued accordingly, or without calling the said recognizance it shall and may be in the discretion of the court to respite the same until the succeeding term.

Judgments, &c. made good, &c.

IV. And, for removing doubts which may arise respecting the consequences of the said court not having been held agreeable to its adjournment of September term last, Be it enacted, That all judgments, rules and orders, made and rendered before the said discontinuance, shall be good and valid, according to the intent and purpose thereof, and that writs of execution may be taken out as usual at the end of a term, returnable at the next meeting of the said court; and that all writs of execution already taken out shall be good and effectual as if the said discontinuance had never happened, under the following limitation and restriction, to wit: That any judgment so rendered may be set aside or altered by the said court at their next meeting appointed by law, for any cause that would have been sufficient to set aside or alter the same, upon application or motion at September term last; and if any writ of execution, returnable to the said court the Monday before the first Tuesday in September last, was returned executed, agreeably to the command thereof, and the said writ and return was not called and considered before the said discontinuance, it shall be lawful for the plaintiff or plaintiffs to renew the same, returnable at the next meeting of the court, and the new writ shall be good and effectual; and if any writ hath already been renewed, returnable at the next meeting of the court, the said new writ shall also be good and effectual.

C H A P. XLII.

Passed December 25. Preamble.

An ACT relating to writs of *capias ad satisfaciendum*. WHEREAS plaintiffs are often willing to grant indulgence to defendants arrested on writs of *capias ad satisfaciendum*, but doubts have arisen whether such indulgence can be granted without depriving the plaintiffs of the benefit of any further execution;

Provision in case of a writ of *capias ad satisfaciendum*, &c.

II. Be it enacted, by the General Assembly of Maryland, That in case any writ of *capias ad satisfaciendum* hath been or shall be issued out of the general court, or any county court of this state, on which there hath been or shall be an arrest of the defendant or defendants, if the plaintiff or plaintiffs, with the consent of the defendant or defendants, have elected or shall elect not to call the said execution during the term to which it was or may be returnable, it shall and may be lawful for every such plaintiff or plaintiffs to proceed against every such defendant or defendants, and his, her or their heirs, devisees, executors or administrators, by

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