

GEORGE PLATER, Esquire, Governor.

1791.

of tobacco; and after the expiration of the time limited in such confession, it shall be lawful to take out execution thereon without any *scire facias*, or any other delay, against either the principal or the security, or all or either of them, for such judgment so confessed as aforesaid, any law, usage or custom, to the contrary in anywise notwithstanding.

C H A P.
LXVII.

V. **And be it enacted**, That from and after the tenth day of May aforesaid, an act for stay of execution after the tenth day of May yearly, passed in the year seventeen hundred and fifteen, and all supplementary acts thereto, shall be and they are hereby repealed, and also the fourth, fifth, and sixth sections of an act, entitled, A Supplementary act to the act for relieving the inhabitants of this province from some aggrievances in the prosecution of suits at law, passed in seventeen hundred and twenty-eight: Provided always, that after the said tenth day of May the same proceedings may be had, in all respects, upon any judgments confessed before the said tenth day of May, under and in virtue of the said acts, or any of them, and such judgments shall be as good and effectual, to all intents and purposes, as if this act had not been passed.

Acts repealed.

VI. **Provided**, That nothing in this act contained shall affect any judgment obtained, or to be obtained, or any execution issued, or to be issued, by virtue of the act, entitled, An act to establish a bank in Baltimore-town.

Proviso.

C H A P. LXVIII.

An ACT for the speedy recovery of small debts out of court, and to repeal the acts of assembly therein mentioned.

Passed December 29.

BE it enacted, by the General Assembly of Maryland, That from and after the first day of March next, in all cases where the real debt or damage doth not exceed ten pounds current money, or one thousand pounds of tobacco, it shall and may be lawful for any one justice of the peace of each respective county wherein the debtor doth reside, to try, hear and determine, the matter of controversy between the creditor and debtor, and upon full hearing of the allegations and evidences of both parties, to give judgment according to the laws of the land, and the equity and right of the matter, and, if need be, charge the constable with the body of the debtor in execution, who is hereby obliged and empowered to carry the person so committed to the sheriff of the county, together with a certificate or mittimus from such justice, wherein shall be certified the debt and cost whereof such person shall be convict, by him to be safely kept until satisfaction or other end thereof; or otherwise, that such justice, or any other justice of the peace for the same county, shall, within one year from the time of the rendition of said judgment, award execution thereon, (directed to the sheriff of the county where the defendant resides) by warrant or mittimus, in the nature of *capias ad satisfaciendum*, *feri facias*, or otherwise; and that in case, upon the return of any warrant, on any complaint, issued by any such justice, it shall appear that the person against whom the same shall issue is not to be found, it shall and may be lawful for the creditor to proceed in the several and respective county courts, for obtaining an attachment, according to the directions of the act for issuing out attachments in this province, and limiting the extent of them, against the goods, chattels and credits, of such person, for any sum exceeding ten shillings or fifty pounds of tobacco, any act or acts to the contrary notwithstanding.

One justice may try matters of controversy not exceeding ten pounds, &c.

Continued by Act
1798 ch 78. to 30 Oct
1805

II. **And**, whereas frequently witnesses may be wanting, or the parties not prepared to make good their allegations immediately on the appearance of a defendant, so that a further time may be necessary to examine into the matter of controversy, **Be it enacted**, That when any defendant shall be brought on warrant before any justice of the peace, such justice may, if he in his discretion shall think fit, give and allow to such defendant a future certain day, not exceeding fourteen days, to appear before such justice, or any other justice of the same county, at a certain place to be appointed, to answer unto such warrant, such defendant giving good and sufficient security, if such justice shall award it necessary, by way of recognizance, in the nature of bail, for the defendant's appearance

And may allow a future day, &c.