

C H A P. LXXV.

An ACT concerning petitions for freedom.

Passed December 30. Proceedings on petitions now depending, in certain cases to be stayed, &c.

BE it enacted, by the General Assembly of Maryland, That in all cases of petitions for freedom now depending in any court of law in this state, except on appeal, where a similar petition or petitions, at the suit of the same party or parties, has or have been before filed and dismissed, the court before whom such petition or petitions are depending shall order a stay of all proceedings until the costs of the former petition or petitions, and all reasonable demands and expences sustained or incurred by the defendant or defendants therein, to be ascertained by the court, shall have been paid, or secured to be paid, provided it shall appear to the satisfaction of such court that such petitioner has been or is supported in his claim to freedom by any other free person besides the council appearing in his behalf.

II. And be it enacted, That in case the said costs, damages and expences, shall not be paid within six months after the court shall have ordered a stay of proceedings, and ascertained the said damages and expences as aforesaid, the defendant or defendants in such petition or petitions so as aforesaid depending, and his, her, or their securities, shall be discharged from any recognizance by him, her or them, entered into, in consequence of such petition or petitions being filed.

III. And be it enacted, That if any petition for freedom shall hereafter be filed in any court of law in this state and dismissed, and a second petition filed at the suit of the same party, the court, in which such second petition may be filed, shall order a stay of all proceedings until the costs of the former petition, and all reasonable damages and expences sustained or incurred by the defendant or defendants therein, to be ascertained by the court, shall have been paid, or secured to be paid.

IV. And be it enacted, That in all cases where any petition for freedom has already been filed in any county court against any citizen of this state, and the defendant has not been served with process to appear, and in all cases where any petition for freedom shall hereafter be filed in any county court against any citizen of this state, the court, before any imparlance, shall inquire, at the instance of the defendant in such petition, whether such defendant is resident of the county, and if, on such inquiry, it shall appear that the said defendant is not a resident of the county, the court shall immediately order the petition to be dismissed.

C H A P. LXXVI.

An additional supplementary act to the act, entitled, An act to establish orphans courts in the several counties of this state.

Passed December 30.

BE it enacted, by the General Assembly of Maryland, That so much of the act of assembly, entitled, An act to establish orphans courts in the several counties of this state, and of the supplementary act thereto, as require seven justices of the peace in some of the counties of this state, and five justices of the peace in the remaining counties, to be specially named and commissioned by the governor, with the advice and consent of the council, as and for the several justices of the several orphans courts in this state, and as require and empower three or more of the said justices to hold such respective courts, and to hear and determine the several matters and causes committed to their jurisdiction, be and the same is hereby repealed, any thing in the said recited acts to the contrary thereof notwithstanding.

Part of two acts repealed.

Continued by Act 1798 ch 71 to 30 Oct 1805

II. And be it enacted, That after the passage of this act it shall be lawful for the governor, for the time being, with the advice and consent of the council, and they are hereby required, to appoint and commission three discreet and judicious persons, of wisdom and experience, in each respective county, as and for the justices of the orphans courts in the several counties of this state, any two or all

Governor to appoint three persons, &c.