

C H A P.
LIV.

stance, and for whose use, the said suit was instituted; and in case the said action shall or may be struck off, discontinued or *non proffed*, or in case there be a judgment on verdict in favour of the defendant, the party or parties at whose instance the action was instituted shall be answerable for the legal costs of suit, and may be proceeded against, by attachment against the person or property of such party or parties, for the recovery of the same, in the same manner as if he, she or they had been entered by a rule of court the security for such costs of suit; provided that nothing in this act shall be construed to alter the present existing laws of the state relative to the payment of costs by executors or administrators.

C H A P. LV.

Passed December 26.
Preamble.

An ACT concerning the jurisdiction of the general court.

WHEREAS it is declared by the bill of rights, that the trials of fact where they arise is one of the greatest securities of the lives, liberties and estate of the people: And whereas the decision of causes in the general court, without very great delay and expence, is impracticable; therefore

Actions to be commenced in county courts, &c.

II. *Be it enacted, by the General Assembly of Maryland,* That from and after the end of this session of assembly, all actions or suits at law whatsoever shall be commenced, prosecuted, and carried on to final judgment, in the respective county courts of the counties wherein the defendant or defendants may reside, and not elsewhere, and the several and respective county courts shall have full power and authority to hear and determine all such suits and actions.

Provido.

III. *Provided nevertheless,* That nothing contained in this act shall be construed to abridge or limit, in any manner whatever, the jurisdiction, authority and powers, of the justices of the peace, as established by the laws of this state.

In certain suits the record may be transmitted, &c.

IV. *And be it enacted,* That in all suits or actions at law hereafter to be commenced or instituted in the county courts of this state, the justices of the several county courts, upon suggestion supported by affidavit, or other satisfactory proof that any such suit or action cannot be fairly or impartially tried in such county shall and may order and direct the record of their proceedings in such suit or action to be transmitted to the justices of any adjoining county court for trial, and the justices of such adjoining county court shall hear and determine the same in the same manner as if such suit had been originally instituted therein; provided nevertheless, that such suggestion be made during the term next after, or in which the issue shall or may be joined in said suit or action.

Party aggrieved may appeal, &c.

V. *And be it enacted,* That any party or parties aggrieved by any judgment or determination of any county court in any civil suit or action, or any prosecution for the recovery of any penalty, fine or damages, shall have full power and right to appeal from such judgment or determination to the general court provided, that no such appeal shall stay execution of a judgment against any defendant or defendants, unless bond and security be given as prescribed by the act for regulating writs of error, and granting appeals from and to the courts of common law within this province, passed at a session of assembly begun and held at the city of Annapolis the twenty-seventh day of October, in the year seventeen hundred and thirteen.

Trespassers may be sued, &c.

VI. *And be it enacted,* That if any trespass shall be committed on any real property within this state, and the person or persons committing the same shall remove from the county where such property may be, or cannot be found in such county, such trespasser may be sued in any county where he or she may be found.

Court may issue warrants of resurvey, &c.

VII. *And be it enacted,* That if the plaintiff or plaintiffs, defendant or defendants, in any such action of trespass, shall move the court in which such action is brought for a warrant of resurvey, to locate the lands on which such trespass was committed, it shall and may be lawful for the court to issue such warrant to the surveyor and sheriff of the county where such lands lies.

VIII. And