

III

A LOWER HOUSE BILL, 1766, FOR THE ISSUING OF
WRITS OF REPLEVIN OUT OF THE COUNTY
COURTS WHICH WAS REJECTED IN THE
UPPER HOUSE

[THIS IS THE DRAFT OF A BILL PASSED BY THE LOWER HOUSE AT THE NOVEMBER-DECEMBER, 1766, SESSION, TO PERMIT THE ISSUING OF WRITS OF REPLEVIN, OUT OF EITHER THE COUNTY COURTS OR THE COURT OF CHANCERY, WHICH, UNDER THE EXISTING LAW, MIGHT ONLY BE ISSUED FROM THE PROVINCIAL COURTS AT ANNAPOLIS. THE BILL RECITES THAT THIS CHANGE WAS DESIRABLE TO LESSEN THE INCONVENIENCE AND EXPENSE TO SUITORS OF TRAVELING TO ANNAPOLIS, AND THAT THE BILL WAS IN CONFORMITY WITH PRACTICE IN ENGLAND. THIS BILL WAS REJECTED BY THE UPPER HOUSE, AS IT HAD BEEN AT PAST SESSIONS, AND WOULD AGAIN BE IN THE FUTURE, DOUBTLESS BECAUSE OF THE OPPOSITION OF THIS HOUSE TO LESSENING THE JURISDICTION OF THE PROVINCIAL COURTS AT ANNAPOLIS AND ALSO BECAUSE OF THE LOSS OF COURT FEES TO THEIR OFFICERS. SEE PAGE CVI.]

An Act for Issuing Writs of Replevin Out of the County Courts of
this Province

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Whereas it appears to this General assembly that the Issuing Writs of Replevin in the Counties where the Cause of Action doth arise, is agreeable to the Practice of Our Mother Country; and the want of such a Practice here is of great Inconvenience to the good People of this Province, especially of the more remote Parts and more Particularly of the Eastern shore, who many Times in the winter Season cannot Possibly cross the Bay in Order to obtain such Writts Out of the Chancery Office, for remedy therefore of this Evil for the future,

Be it Enacted by the Right Honourable the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the Upper and Lower Houses of Assembly and the Authority of the same That from and after the end of this Present Session of Assembly all Writts of Replevin may Issue at the Election of the Party or Parties Suing for the Same either Out of the Court of Chancery or the County Court where the Cause of Action shall arise or County Court of the County [wh]ere the Goods and Chattles to be Replevied shall be at the time of Issuing such Writ returnable to the Provincial or County Court as the party Or Parties suing the same may incline Or as the Nature of their case may require And