

ing to the Nature of their Causes, therefore nothing paying to your Highness for the Seals of the same, nor to any Person for the writing of the same Writs to be hereafter sued; (3) and that the said Chancellor for the time being shall assign such of the Clerks which shall do and use the making and writing of the same Writs, to write the same ready to be sealed, and also learned Counsel and Attornies for the same, without any Reward taking therefore: (4) And after the said Writ or Writs be returned, if it be afore the King in his Bench, the Justices there shall assign to the same poor Person or Persons, Counsel learned, by their Discretions, which shall give their Counsels, nothing taking for the same: (5) And likewise the Justices shall appoint Attorney and Attornies for the same poor Person or Persons, and all other Officers requisite and necessary to be had for the Speed of the said Suits to be had and made, which shall do their Duties without any Reward for their Counsels, Help, and Business in the same: (6) And the same Law and Order shall be observed and kept of all such Suits to be made afore the King's Justice of his Common Place, and Barons of his Exchequer, and all other Justices in the Courts of Record where any such Suits shall be.

Instances of persons applying to sue *in forma pauperis* are rare in Maryland.<sup>1</sup> Kilty in his note on this Statute, however, mentions one or two instances as having occurred. It has been held that the Courts have a common law power to permit a plaintiff to sue in this way, and that the right is declared by this Statute and not affected by Stat. 23 H. 8, c. 15, s. 2, *Brunt v. Wardle*, 4 Scott, N. R. 188. In England the practice is to receive the application from any one having a counsel's opinion or certificate that he has merits, who will swear that he is not worth 5*l.* in the world, exclusive of his wearing apparel and the right to the thing or subject in controversy, though if the Court see in his affidavit that he has no cause of action he will not be received so to sue, *In re Cobbett*, 27 L. J. Exch. 199. Persons may sue *in forma pauperis* in any Court of Record, Com. Dig. *hoc tit.*, A., but an admission to sue in Chancery is not binding on the officers of the K. B., and on an issue out of Chancery to be tried in the latter Court there must be a new admission there, see *Hullock on Costs*, 229; a person admitted so to sue in one cause can only sue in that cause, and must be admitted *de novo* in a new cause; and he ought not to have a new trial for he has had justice once, nor can he remove his cause out of an inferior Court, *Anon.* 1 Mod. 268; *Tidd Prac.* 98.

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<sup>1</sup> As to suits of this kind in the United States Courts, see Act of Congress 1892, ch. 209, (U. S. Comp. Stats. sec. 984). *Bradford v. R. R. Co.*, 195 U. S. 243.