

MARYLAND, OCTOBER, 1778.

bring the matter in dispute between the parties fairly to issue, and judgment shall be given for the sum justly due to the plaintiff. C H A P. XX, XXI.

III. And be it enacted, by the authority aforesaid, That all suits now depending upon such bonds, shall and may be proceeded on to judgment and execution, in the name or names of the plaintiff or plaintiffs in the original writs mentioned. suits depending may be proceeded on to judgment, &c.

IV. And be it enacted, by the authority aforesaid, That the several and respective officers, who may have the keeping of such bonds, shall deliver copies of the same under seal to any person or persons who may apply for the same, he, she, or they, paying to such officer therefor, the sum of ten shillings current money. And no suit upon any such bond shall abate by the death of the late proprietary. Officers to deliver copies, &c.

V. And be it enacted, That no plea of *non est factum* shall be received in any suit upon any administration, testamentary, sheriffs, or other public bonds, unless the same be verified by the affidavit of the party offering to plead the same. No plea, &c, to be received, unless verified by affidavit, &c.

### C H A P. XXI.

#### An ACT for amending and declaring the law in the cases therein mentioned.

WHEREAS by the act, entitled, An act causing grand and petit Preamble jurors to come to the provincial and county courts, and ascertaining their allowances, it is among other things provided, that no person having any matter of fact depending for trial in any court whatsoever, shall be admitted as a qualified juror, between party and party, during the sitting of such court, that such matter of fact shall be, or shall be expected to be tried in:

II. Be it enacted and declared, by the General Assembly of Maryland, That no verdict of a jury shall hereafter be set aside, nor judgment on any verdict stayed, arrested, or reversed, by reason that any juror who tried the cause had a matter of fact depending for trial as aforesaid. No verdict to be set aside for a juror's having matter of fact depending, &c.

III. Provided nevertheless, That it shall and may be lawful, to and for the plaintiff or defendant, in any cause to be tried in any of the said courts, to challenge any juror by reason that such juror hath a matter of fact depending for trial as aforesaid, and that the having a matter of fact depending for trial as aforesaid, shall be held and allowed to be a good cause of challenge to any such juror. Proviso.

IV. And be it further enacted, That instead of the form of recognizance of bail prescribed by the act, entitled, An act for taking special bail in the several counties in this state, upon actions or suits depending in the general court, and in the several county courts of this state, the following form shall be observed and used in all actions to be commenced from and after the end of this present session of assembly; That is to say: John Doe plaintiff, against Richard Roe defendant. You, A. B. and C. D. do jointly and severally acknowledge yourselves special bail for the said Richard Roe, at the suit of the said John Doe, in an action Form of recognizance of bail, &c.