

BY THE HOUSE OF DELEGATES, JANUARY 1, 1810.

ORDERED, That the Printer of the State be and he is hereby directed to print with the Votes and Proceedings, for the consideration of the People, An Act, entitled, An Act concerning Arbitrations, and for the more speedy Administration of Justice in this State.

By Order,

J. BREWER, Clk.

A Bill, entitled, An Act concerning Arbitrations, and for the more speedy Administration of Justice in this State.

WHEREAS reason sanctions the opinion, and experience justifies the belief, that great defects exist in the judiciary system of this state, in as much as justice in many cases is delayed, owing to the great length of time required to travel through the mazes and intricacies of courts, and the heavy and ruinous expenses inevitably attendant thereon; and these being evils which loudly call for a remedy, therefore,

II. BE IT ENACTED, by the General Assembly of Maryland, That from and after the first day of May, eighteen hundred and ten, it shall and may be lawful for either party, plaintiff or defendant, or their lawful attorney, in all actions which may not, on the day and year aforesaid, be cognizable by justices of the peace, and in all other civil actions or suits whatever, which may be brought in any court of this state after the first day of May next, to enter at the clerk's office in the county where the defendant resides, a rule of reference, wherein the said party shall state his, her or their determination, to have arbitrators chosen on a day certain, to be mentioned therein, which day shall not be more than thirty days from the time of entering their determination aforesaid, for hearing and determining all matters in variance between the parties in such suit or action, which rule shall be entered on record by the clerk, and the following proceedings shall be had thereon; that is to say, the party entering the rule of reference shall procure from the clerk a copy thereof, under his hand and seal, and shall, by some disinterested person, within ten days thereafter, serve the same, or a copy thereof, on the opposite party, his, her or their agent or attorney, or if not to be found, leave a copy thereof at his, her or their last place of abode, giving at least ten days notice in the city of Baltimore of the day when the arbitrators are to be chosen, and at least fifteen days notice of such time in each and every county of this state, and the proof of service shall be the oath or affirmation of the person serving the same.

III. AND BE IT ENACTED, That where both parties attend, either by themselves, their attorneys or agents, before the clerk, the arbitrators shall be chosen in the following manner, to wit: The parties having first agreed as to the number of arbitrators, or in case of disagreement, the number shall be fixed by the clerk, which shall be either three, five or seven, the plaintiff shall, in the first place, nominate one person if the number fixed upon be three, two if the number be five, and three if the number be seven, if all or either of them be objected to by the defendant, the plaintiff shall nominate other persons in the place of those objected to, until he nominates to the number of six persons for each and every person allowed to be by him nominated, and the same privilege shall be given to the defendant, and the like right to object extended to the plaintiff, but if it should so happen that both or either of the parties should object to a greater number of persons than is above stated, in that case the arbitrators shall be appointed in the same manner as is herein after directed where one of the parties neglects to attend on the day appointed for selecting the arbitrators, but in case the parties agree in the choice of arbitrators as above directed, the umpire shall be chosen in the following manner, viz. The parties shall nominate alternately, (beginning with the plaintiff,) seven persons, with liberty given to each, or either of them, in turn, to object to such nomination, and if all the persons thus nominated be objected to, the clerk shall name a person for the umpire, if he be objected to by either of the parties he shall name another, and so on until he names seven persons, if all are objected to he shall make out a list of three suitable persons if the number of arbitrators fixed upon be three, five if the number be five, and seven if the number be seven, the parties shall then strike out alternately, beginning with the plaintiff, until one name only be left, who shall be the umpire.

IV. AND BE IT ENACTED, That if either of the parties shall refuse or neglect to appear, by themselves, their attorney or agent, on the day appointed, to choose arbitrators, proof being made, on oath or affirmation, that notice