TEXT OF PERTINENT CONSTITUTIONAL PROVISIONS, STATUTES, RULES, AND REGULATIONS

I. ARTICLE V

B.ATTORNEY-GENERAL AND STATE'S ATTORNEYS.

- Attorney General
- State's Attorneys

c.Attorney-General.

SEC. 1. There shall be an Attorney-General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, nineteen hundred and fifty-eight, and on the same day, in every fourth year thereafter, who shall hold his office for four years from the time of his election and qualification, and until his successor is elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, willful neglect of duty or misdemeanor in office, on conviction in a Court of Law (amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956).

SEC. 2. All elections for Attorney-General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts for the several counties, and the Clerk of the Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be to decide on the election and qualification of the person returned; and in case of a tie between two or more persons, to designate which of said persons shall qualify as Attorney-General, and to administer the oath of office to the person elected.

SEC. 3. (a) The Attorney General shall:

- (1) Prosecute and defend on the part of the State all cases pending in the Appellate Courts of the State, in the Supreme Court of the United States or the inferior Federal Courts, by or against the State, or in which the State may be interested, except those criminal appeals otherwise prescribed by the General Assembly.
- (2) Investigate, commence, and prosecute or defend any civil or criminal suit or action or category of such suits or actions in any of the Federal Courts or in any Court of this State, or before administrative agencies and quasi legislative bodies, on the part of the State or in which the State may be interested, which the General Assembly by law or joint resolution, or the Governor, shall have directed or shall direct to be investigated, commenced and prosecuted or defended.

- (3) When required by the General Assembly by law or joint resolution, or by the Governor, aid any State's Attorney or other authorized prosecuting officer in investigating, commencing, and prosecuting any criminal suit or action or category of such suits or actions brought by the State in any Court of this State.
- (4) Give his opinion in writing whenever required by the General Assembly or either branch thereof, the Governor, the Comptroller, the Treasurer or any State's Attorney on any legal matter or subject.
- (b) The Attorney General shall have and perform any other duties and possess any other powers, and appoint the number of deputies or assistants, as the General Assembly from time to time may prescribe by law.
- (c) The Attorney General shall receive for his services the annual salary as the General Assembly from time to time may prescribe by law, but he may not receive any fees, perquisites or rewards whatever, in addition to his salary, for the performance of any official duty.
- (d) The Governor may not employ any additional counsel, in any case whatever, unless authorized by the General Assembly (amended by Chapter 663, Acts of 1912, ratified Nov. 4, 1913; Chapter 10, Acts of 1966, ratified Nov. 8, 1966; Chapter 545, Acts of 1976, ratified Nov. 2, 1976).
- **SEC. 4.** No person shall be eligible to the office of Attorney General, who is not a citizen of this State, and a qualified voter therein, and has not resided and practiced Law in this State for at least ten years.
- **SEC. 5.** In case of vacancy in the office of Attorney General, occasioned by death, resignation, removal from the State, or from office, or other disqualification, the Governor shall appoint a person to fill the vacancy for the residue of the term (amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978).
- **SEC. 6.** It shall be the duty of the Clerk of the Court of Appeals and the Clerks of any intermediate courts of appeal, respectively, whenever a case shall be brought into said Courts, in which the State is a party or has interest, immediately to notify the Attorney General thereof (amended by Chapter 10, Acts of 1966, ratified Nov. 8, 1966; Chapter 681, Acts of 1977, ratified Nov. 7, 1978).

The State's Attorneys.

- **SEC. 7.** There shall be an Attorney for the State in each county and the City of Baltimore, to be styled "The State's Attorney", who shall be elected by the voters thereof, respectively, and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified; and shall be re-eligible thereto, and be subject to removal therefrom, for incompetency, willful neglect of duty, or misdemeanor in office, on conviction in a Court of Law, or by a vote of two-thirds of the Senate, on the recommendation of the Attorney-General (*amended by Chapter 99, Acts of 1956, ratified Nov. 6, 1956; Chapter 681, Acts of 1977, ratified Nov. 7, 1978*).
- **SEC. 8.** All elections for the State's Attorney shall be certified to, and returns made thereof, by the Clerks of the said Counties and City, to the Judges thereof, having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned; and, in case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oaths of office to the person elected.
- **SEC. 9.** The State's Attorney shall perform such duties and receive such salary as shall be prescribed by the General Assembly. If any State's Attorney shall receive any other fee or reward than such as is or may be allowed by law, he shall, on conviction thereof, be removed from office; provided, that the State's Attorney for Baltimore City shall have the power to appoint a Deputy and such other Assistants as the Supreme Bench of Baltimore City may authorize or approve and until otherwise provided by the General Assembly, the said State's Attorney, Deputy and Assistants shall receive the following annual salaries: State's Attorney, seven thousand five hundred dollars; Deputy State's Attorney, five thousand dollars; Assistant State's Attorneys, four thousand dollars each; said salaries, or such salaries as the General Assembly may subsequently provide and such expenses for conducting the office of the State's Attorney as the Supreme Bench of Baltimore City may authorize or approve shall be paid by the Mayor and City Council of Baltimore to the extent that the total of them exceeds the fees of his office, or as the General Assembly shall otherwise provide, and the Mayor and City Council of Baltimore shall not be liable for appearance fees to the State's Attorney (amended by Chapter 185, Acts of 1900, ratified Nov. 5, 1901; Chapter 624, Acts of 1912, ratified Nov. 4, 1913; Chapter 177, Acts of 1924, ratified Nov. 4, 1924; Chapter 490, Acts of 1943, ratified Nov. 7, 1944; Chapter 545, Acts of 1976, ratified Nov. 2, 1976).
- **SEC. 10.** No person shall be eligible to the office of State's Attorney, who has not been admitted to practice Law in this State, and who has not resided, for at least two years, in the county, or city, in which he may be elected.

- **SEC. 11.** In case of a vacancy in the office of State's Attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the Judge or Judges resident in the county or, if there be no resident Judge, the Judge or Judges having jurisdiction in the Circuit Court of the county in which the vacancy occurs, or by the Supreme Bench of Baltimore City for a vacancy occurring in Baltimore City, shall appoint a person to fill the vacancy for the residue of the term (amended by Chapter 522, Acts of 1957, ratified Nov. 4, 1958; Chapter 14, Acts of 1959, ratified Nov. 8, 1960; Chapter 681, Acts of 1977, ratified Nov. 7, 1978).
- **SEC. 12.** The State's Attorney in each county, and the City of Baltimore, shall have authority to collect, and give receipt, in the name of the State, for such sums of money as may be collected by him, and forthwith make return of and pay over the same to the proper accounting officer. And the State's Attorney of each county, and the City of Baltimore, before he shall enter on the discharge of his duties, and from time to time thereafter, shall give such corporate surety bond as may hereafter be prescribed by Act of the General Assembly (*amended by Chapter 529, Acts of 1945, ratified Nov. 5, 1946*).

Business Occupations and Professions

■§ 10-206. Bar admission requirement

- (a) Except as otherwise provided by law, before an individual may practice law in the State, the individual shall:
 - (1) be admitted to the Bar; and
- (2) meet any requirement that the Court of Appeals may set by rule.
- (b) This section does not apply to:
- (1) a person while representing a landlord in a summary ejectment proceeding in the District Court of Maryland;
- (2) a person while representing a tenant in a summary ejectment proceeding in the District Court of Maryland if the person is:

- (i) a law student practicing in a clinical law program at a law school accredited by the American Bar Association with the in-court supervision of a faculty member; or
- (ii) employed by a nonprofit organization receiving grants from the Maryland Legal Services Corporation and:
 - 1. the person has training and experience;
 - 2. the person is supervised by a lawyer; and
 - 3. the supervising lawyer's appearance is entered in the proceeding;
- (3) an insurance company while defending an insured through staff counsel;
- (4) an officer of a corporation, an employee designated by an officer of a corporation, a partner in a business operated as a partnership or an employee designated by a partner, a member of a limited liability company or an employee designated by a member of a limited liability company, or an employee designated by the owner of a business operated as a sole proprietorship while the officer, partner, member, or employee is appearing on behalf of the corporation, partnership, limited liability company, or business in a civil action in the District Court of Maryland if:
 - (i) the action:
- 1. is based on a claim that does not exceed the amount set under § 4-405 of the Courts Article for a small claim action; and
- 2. is not based on an assignment, to the corporation, partnership, or business, of the claim of another;
 - (ii) in the case of a designated employee, the employee:
- 1. is not assigned on a full-time basis to appear in the District Court on behalf of the corporation, partnership, or business;
- 2. provides the court a power of attorney sworn to by the employer that certifies that the designated employee is an authorized agent of the corporation, partnership, limited liability company, or sole proprietorship and may bind the corporation, partnership, limited liability company, or sole proprietorship on matters pending before the court; and

- 3. is not an individual who is disbarred or suspended as a lawyer in any state; and
- (iii) the corporation, partnership, limited liability company, or business does not contract, hire, or employ another business entity to provide appearance services; or
- (5) an individual who is authorized by a county employee to represent the employee at any step of the county's grievance procedure.
- (c)(1) In this subsection, "practice patent law":
- (i) means to perform professional services that the Patent and Trademark Office requires to be performed by an individual registered to practice before that Office; and
- (ii) includes preparing a copyright application or assignment and submitting it to the Copyright Office of the Library of Congress.
- (2) While there is a Patent and Trademark Office in the State, an individual may practice patent law in the State if the individual is:
 - (i) authorized to practice law in any other state; and
- (ii) registered to practice patent law before the Patent and Trademark Office.
- (3) Unless otherwise authorized under this title, an individual who practices patent law under this subsection may not:
 - (i) appear as an attorney at law in a court; or
 - (ii) practice law generally in the State.
- (d)(1) Subject to paragraph (2) of this subsection, this section does not apply to an individual while giving legal advice to a corporation in this State if the individual is:
 - (i) employed by the corporation; and
 - (ii) admitted to the bar of any other state.
 - (2) An individual who gives legal advice under this subsection:

- (i) is subject to disciplinary proceedings as the Maryland Rules provide;
- (ii) may not appear before a unit of the State government or of a political subdivision unless a court grants the individual a special admission in accordance with § 10-215 of this subtitle.

SUBTITLE 2. JUDICIAL REVIEW OF ELECTIONS

d. § 12-202. Judicial challenges.

- (a) In general.- If no other timely and adequate remedy is provided by this article, a registered voter may seek judicial relief from any act or omission relating to an election, whether or not the election has been held, on the grounds that the act or omission:
- (1) is inconsistent with this article or other law applicable to the elections process; and
- (2) may change or has changed the outcome of the election.
- (b) Place and time of filing.- A registered voter may seek judicial relief under this section in the appropriate circuit court within the earlier of:
- (1) 10 days after the act or omission or the date the act or omission became known to the petitioner; or
- (2) 7 days after the election results are certified, unless the election was a gubernatorial primary or special primary election, in which case 3 days after the election results are certified.

e. § 12-203. Procedure.

- (a) In general.- A proceeding under this subtitle shall be conducted in accordance with the Maryland Rules, except that:
- (1) the proceeding shall be heard and decided without a jury and as expeditiously as the circumstances require;
- (2) on the request of a party or sua sponte, the chief administrative judge of the circuit court may assign the case to a three-judge panel of circuit court judges; and
- (3) an appeal shall be taken directly to the Court of Appeals within 5 days of the date of the decision of the circuit court.
- (b) Expedited appeal.- The Court of Appeals shall give priority to hear and decide an appeal brought under subsection (a) (3) of this section as expeditiously as the circumstances require.

28 U.S.C. § 517. Interests of United States in pending suits

The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.

MARYLAND RULES OF PROFESSIONAL CONDUCT

Rule 5.5 Unauthorized Practice of Law; Multi-Jurisdictional Practice of Law

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
- (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:
- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or
- (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.
- (d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:
- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.	

STATES DISTRICT U.S.Dist.Ct.Rules Md., Attorney Admission, Assistance and Discipline Rule 701 RULE 701. ADMISSION

U.S.Dist.Ct.Rules Md., Attorney Admission, Assistance and Discipline Rule 701

West's Annotated Code of Maryland <u>Currentness</u>
Rules of the United States District
Court for the District of Maryland

VII. Attorney Admission, Assistance and Discipline

⊸RULE 701. ADMISSION

1. Qualifications.

a. *General*. Except as provided in subsection (c) and (d) of this rule, an attorney is qualified for admission to the bar of this District if the attorney is and continuously remains, a member in good standing of the highest court of any State (or the District of Columbia) in which the attorney maintains his or her principal law office, or of the Court of Appeals of Maryland, is of good private and professional character, is familiar with the Code of Professional Responsibility, the Federal Rules of Civil and Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure and these Local Rules and is willing, available and competent to accept appointments by the Court to represent indigent parties in civil cases in this District unless the acceptance of such appointments is inconsistent with an attorney's professional employment obligations as, for example, a government attorney.

b. Federal Government Attorneys. An attorney who is a member of a Federal Public Defender's Office, the Office of the United States Attorney for this District, or other federal government lawyer, is qualified for admission to the bar of this District for purposes relating to her or his employment if the attorney is a member in good standing of the highest court of any state (or the District of Columbia), is of good private and professional character, is familiar with the Code of Professional Responsibility, the Federal Rules of Civil Procedure and Criminal

Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure and these Local Rules.

Title 33 STATE BOARD OF ELECTIONS

Subtitle 01 DEFINITIONS; GENERAL PROVISIONS

Chapter 02 Petition for Declaratory Ruling

Authority: Election Law Article, §2-102(b)(4); State Government Article, §\$10-304 and 10-305; Annotated Code of Maryland

33.01.02.01

.01 Petition Authorized.

An interested person may petition the State Board for a declaratory ruling on the manner in which the Board would apply any of the following to a person or property on the facts set forth in the petition:

- A. A Board regulation;
- B. A Board order; or
- C. A statute that the Board enforces.

[N.B. There is no .02 in the Regulations]

33.01.02.03

.03 Action by Board.

- A. Notice of Receipt. Upon receipt of a petition, the State Administrator shall promptly mail the petitioner a notice of filing, indicating the date the petition was received.
- B. Consideration and Disposition. Within 60 days after the petition is submitted, the State Board shall:
 - 1. Consider the petition; and
 - 2. Either:
 - (a) Issue a written declaratory ruling as requested, or

(b) Notify the petitioner in writing of the reasons for not issuing a declaratory ruling.

. 33.01.02.04

.04 Effect of Ruling.

If the State Board issues a declaratory ruling, that ruling binds the State Board, the local boards, and the petitioner on the facts set forth in the petition.

33.01.02.05

.05 Judicial Review.

A declaratory ruling issued under this chapter is subject to judicial review in the same manner that State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, provides for review of a contested case.

Chapter 268

Sess. Laws 1831

(Passed Mar. 10, 1833)

1831.

LAWS OF MARYLAND

chap. 268.

Chairmet for.

places only, between the two aforesaid points, as is most esential and important; Provided, only that seventy-five dollars is raised by individual and voluntary subscription to be added to the fund thereof, and paid over under the direction of the commissioners, to the party or parties appointed for contracting for the performance of said work.

Appoint and pay over to commissioners aforesaid, or a majority of them are hereby vested with power to appoint upon the conditions aforesaid, any three persons, who in their discretion they may think proper, to effect and complete as aforesaid, by contract or otherwise, and direct payment to them in amount, and at such times as may be necessary, whatever sums or amount may be justly due for services rendered as aforesaid, one exceeding in all the amount raised by levy and subscription as aforesaid.

Authority to close.

Authority to close.

Sec. 4. And be it enacted, That the said commissioners shall order so much of the old road, where alterations or changes may be made anew, after completed, to be closed; where it being left open is prejudicial to the interest of the owner, whose land the same may pass through.

Repealing thans.

Sec. 5. And be it enacted, That the and every thing contained in any law, inconsistent with or repugnant to the provisions of this act, be, and the same is hereby repealed.



ar.10,1232 An act regulating the admission of Attorneys to practice law in the several Courts of this state:

in the several Courts of this state.

WHEREAS, under the existing laws of this state, it is in the power of the several courts of law and equity, to regulate the admission of attorneys according to their discretion, by which different rules prevail in different courts; and it is proper and right, that the mode and terms of admission should be uniform throughout this state:—Therefore, Section I. Be it enacted by the General Assembly of Maryland, That all applications for admission as attorney, to practice the law in this state, shall be made to some one of the county courts, courts of equity or courts of appeals thereof in open court.

Sec. 2. And be it enacted, That upon every such application for admission to practice law as aforesaid, of any free white male citizen of Maryland, above the age of twenty-one years, and who shall have been a student of law in any part of the United States, for at least two years previous

GEORGE HOWARD, ESQ. GOVERNOR.

to said application, it shall be the duly of the court to whom such application shall be made, to examine said applicant supposed some day during the regular session thereof, touching his qualification for admission as an attorney, and they shall also require and receive evidence of his probity and general character, and if upon such actual examination, and being satisfied that he has been a student of law, at least two years as aforesaid, and having heard evidence as to his probity and general character, the said court shall be of opinion that said applicant is qualified to discharge the duties of an attorney and worthy to be admitted, they shall admit him.

opinion that said application and worthy to be admitted, they shall admit him.

Sec. 3. And be it enucted, That upon the admission of apy continuate and the practice law in any of the courts of record in this state as aforesaid, it shall be the duty of the court so admitting him, to certify the same with their own proper signatures, which certificate shall be recorded, and a copy thereof authenticated with the county seal of the county in which the party shall be admitted, shall be available and sufficient to entitle said applicant so admitted, to practice in any of the courts of this state.

Sec. 4. And be it enacted, That if upon the application and examination of any citizen as aforesaid, the court shall be of opinion, that he ought not to be admitted, the said applicant shall not be again entitled to a hearing for admission in any court of this state, until the expiration of twelve months after said first application, and if upon a second application, he shall be rejected, he shall not be again heard until the expiration of twelve months after such second application.

Application.

Application.

application, its stand to reject, to shart any consequence until the expiration of twelve months after such second application.

Sec. 5. And be it eaucted, That upon the application of any lawyer who may have practised, or who may have been licensed to practice in any other state, district or territory of the United States, for admission to practice in the courts of this state, it shall be the duty of the court to whom he shall apply, to admit him upon the same terms and under the same regulations, that a citizen of Maryland would be admitted to the courts of the state, district or territory, in which said applicant may have practiced, or may have been licensed to practice; Provided, That in the said state, district or territory, the mode and terms of admission to the bar, be regulated by law.

Sec. 6. And be it enacted, That upon the application of any citizen of any other state or district, in which the mode and terms of admission to the bar are not regulated by law, to practice law in any of the courts of this state, the said courts shall admit him or not, as in their discretion

CHAP. 269.

they may think fit, their power in such instances and cases remaining, the same as before the passage of this act.

Sec. 7. And be it enacted, That if upon the rejection of any applicant for admission, to practice law in any county court of this state, such applicant shall deem himself aggrieved by such rejection, he shall be permitted to apply to the court of appeals for admission to practice law in said court, who shall examine such applicant as to his qualifications, character and time of studying, in manner and subject to the regulation hereinbefore provided as to such examination; and if upon such examination, the court of appeals shall determine that the applicant ought to be admitted accordingly, and such admission shall entitle him to admission to practice in any county court of this state, or in the court of chancery.

CHAPTER 269.

Proved Mar. 8,1832 An act for the relief of Mary Hickson, of Frederick County.

County.

Section 1. Be it enacted by the General Assembly of Maryland, That Mary Hickson, of Frederick county, be, and she is hereby divorced from bed, board and mutual cohabitation with her husband, Henry Hickson.

Sec. 2. And be it enacted, That the said Henry Hickson, shall not by virtue of his marriage, with the said Mary Hickson, be authorised to have or claim, any right, title or interest in the estate, real, personal or mixed of the said Mary Hickson, whether acquired in any manner w hatever, before or after the passage of this act, nor shall the said Mary Hickson, be authorised to have or claim any right or interest in the real estate, personal or mixed of the said Henry Hickson, be authorised to have or claim any right or interest in the real estate, personal or mixed of the said Henry Hickson, be authorised to have or claim any right or interest in the real estate, personal or mixed of the said Henry Hickson, be authorised to his act.

Sec. 3. And be it enacted, That the said Mary Hickson, shall have and exercise all the rights privileges and immunities, and be subject to all the legal responsibilities of a feme sole in the same manner she would have been, if she had never been married.

Sec. 4. And be it enacted, That the aforesaid Mary Hickson, be, and she is hereby declared to be entitled to the custody and guardianship of her child during his minority.

Sec. 5. And be it enacted, That the said Henry Hickson, CHAP. 271.

shall not be liable for any debt to be hereafter contracted Liabilities barree
by the said Mary Hickson.



An additional supplement to the act, entitled An act for the Passed Mar. 15,1832 benefit of the University of Maryland.

Section 1. Be it enacted by the General Assembly of Management of the University of Maryland.

Section 1. Be it enacted by the General Assembly of Management of the late Elisha DeButs, be, and they are hereby authorised to file a bill in the chancery court, or on the equity side of Baltimore county court, against the trustees of the University of Maryland, for the recovery of such sums as may be due to them upon principles of justice and equity, for the disbursements in the purchase of ground, and the erection and repairs of the University and Infirmary buildings, together with the sums expended by them in the purchase of the library, museum, apparatus, furniture and for insurance.

Sec. 2. And be it enacted, That the Chancellor, or the county court, as the case may be, shall pass such decree in the premises as to them shall appear just and equitable, and should such decree be in favor of said Professors, the trustees aforesaid, are hereby directed and required to pay the amount thereof to said Professors, or their representatives out of the funds then belonging to the University.

Sec. 3. And be it enacted, That either party may appeal from the decree aforesaid, to the court of appeals, in manner and subject to the limitations prescribed in cases of appeal, from the decrees of the court of chancery, to the court of appeals,

CHAPTER 271.

A further additional supplement to the act, entitled, An act PaucedMar.18,1828 for the recovery of small debts.

Be it enacted by the General Assembly of Maryland, That from and after the passage of this act, a fieri facias, vindirely action exponss or capias ad satis faciendum may be issued by any justice of the peace in this state, on a short copy of