

ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

JANUARY 1637/8—SEPTEMBER 1664

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presentment to make of all offences and misdemenors whatsoever committed to their or any of their knowledge or by vehement suspition publique fame or by information of any partie upon oath said or affirmed to be committed against the laws of this Province which presentment delivered into the Court by the said enquest shall be an indictment of any partie in any Crime of Felony or treason (Provided that such presentment or Indictm^t be made or found by a Grand enquest of twelve Jurors at least) upon which such partie presented or Indicted may be put upon his tryall in the pretoriall Court and likewise it Shall be a Conviction of the partie presented of any other crime whereof he is presented (the said crimes of Felony or treason excepted) upon which such persons may be sencured for the said crime unless the partie presented purge him or herself thereof by such means as the Court shall appoint the partie for his or her purgation

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And every person lawfully served and warned to be of the enquest as aforesaid and not appearing upon call at the time and place prefixed in the writt shall lose and forfeit such issues as shall be mentioned in the writ for a pennaltie of not appearing (provided that such pennaltie exceed not one hundred weight of Tobacco and the same Law Shall be for any other Jurors provided that the pennaltie of not appearing exceed not fifty weight of Tobacco

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And Such Judgment Shall be given in all causes in this Court as is most agreeable to the Laws of this Province or (in defect of such Laws) to the Judgements usally given in the same or the like causes in the civill Courts or Courts of common Law in England as neer as the Judge shall be able to detirmine and yearly on the first monday in October and afterward monthly till March (exclusively) Shall be held a County Court at S^t Maries by the cheif Justice or (in his absence) by any Commiss^t by the said cheif Justice appointed or in default of a Commiss^t by the cheif Councillour of State at that time Present at S^t Maries who shall in all things dureing the said Court have and use all the same powers and authorities as are given and granted to the cheif Justice in any part of this Act This Act to Continue till the end of the next generall Assembly.

An Act For the Erecting of a
Court of Chancery.

Be it Enacted By the Lord Proprietarie of this Province of and with the advice and approbation of the freemen of the same That all matters and causes whatsoever determinable in

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the high Court of Chancery in England and all matters and causes whatsoever civill not provided for by any Law of this province and all causes whatsoever civill (otherwise of right belonging to any other Court within the province) wherein the Judge of such other Court is a partie (except such other Judge (be Leiutenant Generall of the province Shall or may be finally heard and determind within this Province by and before the Chancellour of this Province and Councell of State for the time being And the said Chancellour shall or may appoint a Clerk for recording of all matters belonging to that office and the

p. 15 said Chancellour Councell and Clerk shall be a Court of Record and be called the Court of Chancery and Shall have power to issue and award all the same or the like writts grants pardons Commissions or edicts as may be issued or awarded out of the high Court of Chancery in England and further to enjoy use and exercise all or any the same or the like powers priveledges authorities and Jurisdicions within this Province as the said Court of Chancery enjoyeth or may enjoy use or exercise within the Realm of England (except where it is otherwise provided by any law of this Province

And all writts originall and all other matters drawn by the Clerk of this Court or in or upon matters determinable in this Court Shall issue in the name and with the test of the Lord Proprietarie and the writts shall or may be directed to the parties themselves or to the Sherif of the County or to any other publique Officer named upon the writt and the most Summary formes of proceeding and triall shall be used in this Court as the Chancellour shall approve or appoint and the same or the like Judgments shall be given in the same as are most agreeable to the laws of this province or otherwise to the Judgments usually given in the same or to the like causes in the high Court of Chancery in England or otherwise are most agreeable to right reason equity and good conscience (without neglecting the law of the province) as neer as the said Chancellour and Councell Shall be able to determine This Act to Continue till the end of the next generall Assembly

An Act For the erecting of a Pretoriall

Be it Enacted by the Lord Proprietarie of and with the advice and approbation of the freemen of the same that all Capital crimes of treason and felony (by the laws of this Province and all enermious offences whatsoever by the Laws of this Province shall be finally heard and determind by or

p. 16 before the Lord Proprietarie or his Leiutenant Generall and