

No. 5 An Act for Tryal of all Matters of Fact in the Several Counties
Where they have Arisen or Shall Arise

Liber H. S.
No. 1
p. 602
[Preamble]

Whereas the Tryal of Facts in the Neighbourhood Where they Arise is the greatest Security of the Lives Liberties Fortunes and Estates of the Subjects most agreeable to the British Constitution and a very great Ease to all Persons concerned and that the Increase of Business in the Provincial Court renders the Decision of Causes there without very great Delay and expence impracticable.

Be it therefore Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governor and the Upper and Lower houses of Assembly and the Authority of the Same That any two Justices of the Provincial Court (Such as the Governor or Commander in Chief for the time being Shall think fit to Appoint) Shall be Justices of Assize nisi Prius and Justices of Oyer and Terminer and Goal Delivery on each Side of the Bay and that the said two Justices or one of them In case of Sickness or other Inability of the Other Shall and may at the respective Times in this Act mentioned hear and try all Matters of Fact in all Actions real personal and mixt and all Actions popular for the Breach of any Law now depending or that Shall be commenced in the Provincial Court in the Several Counties where the Facts have arisen or Shall arise except in such Causes Where it Shall appear that Justice cannot in all Probability be so equally Administered to the Parties as if Tryal Should be Appointed in Some other Place as fully and Amply as any Justices of Assize & Nisi Prius in England used or by Law ought or may try hear and determine and that all Treasons Murders Felonies and other Crimes Offences and Misdemeanours of what nature or Quality Soever that have been or by Law might be tried in the Provincial Court Shall be heard tried and determined by the Said Justices in the Several Countys Where they Shall be Committed as fully and Amply as the Said Offences or any of them might have been tried heard and determined by the Provincial Court or any Court of Oyer and Terminer and Goal Delivery According to the Laws of England and this Province

[Two Provincial Justices, on each Side of the Bay, to hear and determine all Matters of Fact, &c. in the several Counties]

Provided always that Nothing in this Act Shall be construed to divest the County Courts of any Jurisdiction they have and that they may hear and determine all Matters and things Within their Cognizance as they have heretofore done any thing in the Act to the Contrary Notwithstanding

[Jurisdiction of the County Courts]

And be it Enacted that two of the Provincial Justices to be Appointed as aforesaid to Serve on the Western Shore or one of them in Case of the others Sickness or Inability Shall Yearly meet and hold their Courts at Baltimore County Court House on the first Tuesdays of April and September at Annapolis for Ann Arundel County the Mondays after the said first Tuesdays At Calvert County

[Times and Places, when and where the Assizes are to be held]