

## CONSTABLES.

Informer, the other Half to the County School. 1719, *ch. 12, §. 1.*

8. Constables shall obey and execute all Warrants, &c. to them directed, from any Justice or Justices within this Province, touching any Matter between Party and Party; and shall have 2 s. 6 d. or 30 lb Tobacco Fee for Serving all the Precepts relating to any One Action or Demand. 1715, *ch. 15, §. 6.*

9. Where several Constables are employed in executing Precepts relating to One Matter, the Justices may direct what Fee, not exceeding 2 s. 6 d. &c. shall be paid to each. *Ibid. §. 7.*

10. Constables Fees are leviable by Execution on the Complainant, and shall be allowed to the Party recovering, in his Costs. *Ibid.*

11. All Warrants for small Debts shall be directed to some Constable of a Hundred, unless at the Request of the Suitor, it be directed to some Friend, who will serve it gratis; in which Case the Suitor shall, nevertheless, be liable to pay the Constable of the Hundred, where served, his just Fee. 1719, *ch. 12, §. 4.*

See *Curfing, &c. per Tot. Indians, 10, 11. Jurors, 4. Militia, 2. Negroes, 22—26. Quakers, 6. Small Debts, 1—3. Taxables, 3—7. Tobacco Run, 4, 7, 8.*

## CONTINUANCE OF ACTIONS.

1. All Actions brought in any Courts of Law, within this Province, may be continued to the End of the Fourth Court after the Appearance Court, and no longer. Except in Cases where Evidence is wanting from beyond Sea, which Case is left to the Discretion of the Court. 1721, *ch. 14, §. 1.*

2. The Courts, on Discontinuance of any such Action, may, if by the Act of the Plaintiff, award him to pay the Costs: If, through Default of the Defendant, give Judgment for the Plaintiff: If, through Default of any Attorney neglecting to bring the Cause to Decision within the Time herein limited, such Attorney, so neglecting, to the Prejudice of his Client, shall forfeit, for every Neglect, in the Provincial Court, 5000 lb Tobacco; in the County Court, 2000 lb Tobacco, and all Costs of Suit accruing by such Default: One Half of such Fines to the Party grieved, the other Half to the County School. *Ibid.*

3. But the Continuance of such Suits by Injunction in Chancery, or the Allowance of Parole Demur to Infants shall not be within this Limitation. *Ibid.*

4. Too short a Time being allowed in the High Court of Appeals, by the above Act, Appeals or Writs of Error may be continued in the High Court of Appeals, for the full Term of Two Years from the End of the Appearance Court, and no longer. 1730, *ch. 16.*

CONTRACT SIMPLE. See *Limitation of Actions, 1.*

## CONVEYANCES.

1. All Sales, Gifts and Grants, at any Time before the 13<sup>th</sup> April 1674, made by Writing, with or without Seal, shall be good in Law, notwithstanding Error in Form. And also all such Sales, &c. where the Writings are lost, &c. where either the Sale, Gift, Grant or Payment, can be proved by Witnesses. 1671, *ch. 6.* 1694, *ch. 11;* and 1715, *ch. 47, §. 1, 2.*

2. Sales and Grants of Lands, Tenements, &c. made by Deed indented and enrolled since the 13<sup>th</sup> April 1674, or that shall hereafter be so made and enrolled, shall be good in Law, without Livery or Seizin. 1715, *ch. 47, §. 3.*

3. All Conveyances made and enrolled under the several Acts of 1674, *ch. 2;* 1692, *ch. 30;* and 1699, *ch. 42,* during their respective Continuances, are confirmed; but declared void, if not enrolled. *Ibid. §. 4, 5, 6.*

4. No Manors, Lands, Tenements, or Hereditaments whatsoever, within this Province, shall pass, &c. from one to another, nor any Estate for above Seven

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Years, except the Deed or Conveyance thereof be made by Writing Indented and Sealed, and acknowledged in the Provincial Court, or before One Provincial Justice; or in the County Court, or before Two County Magistrates, within Six Months from the Date of the Deed. *Ibid. §. 7.*

5. The Party taking such Acknowledgment shall have 1 s. Fee. *Ibid.*

6. The Clerk, upon Receipt of the Deed, shall endorse the Time of his receiving the same, upon the Back thereof; and shall enroll the same, and alphabet the Names of both Parties, and endorse the Enrollment and Folio on the Back of the Deed, and sign such Indorsement. *Ibid.*

7. Where a Grantor lives remote from the Provincial Court, or the County Court where the Land lieth, an Acknowledgment of the same in the County where he liveth, and Certificate thereof under the Clerk's Hand and County Seal, shall be a sufficient Warrant to the Clerk of the County where the Land lieth to enroll the same. *Ibid. §. 8.*

8. If the Grantor, at the Time of enfealing such Writing indented, be out of the Province; within any of his Majesty's Dominions, the Deed may be acknowledged by a Letter of Attorney well and sufficiently proved, either in the Provincial or County Courts, &c. and be enrolled as aforesaid. *Ibid.*

9. Every such Writing indented (to be acknowledged and enrolled as aforesaid) shall take Effect from the Day of Enrollment, and not from the Day of its Date. And shall be construed more favourably for the Grantee, and more strongly for barring the Grantor, according to the apparent Intention of the Parties, tho' not so firmly drawn, &c. *Ibid. §. 9.*

10. No *Femme Covert*, named as a Grantor in any such Writing, shall be barred thereby either of Estate or Dower; except upon her Acknowledgment of the same: And the Person taking her Acknowledgment examining her privately, out of Hearing of her Husband, Whether she makes the same willingly and freely, without being induced thereto by Fear or Threats of ill Usage by her Husband, or Fear of his Displeasure? and certifying the same; and such Certificate to be likewise enrolled upon Record. Which Acknowledgment shall bar her of Dower tho' not named in the Deed. *Ibid. §. 10.*

11. All Acknowledgments of Deeds and Conveyances made under former Acts, before One Provincial Justice, or before One or Two of the Council, and enrolled according to the Directions of those Acts, are hereby confirmed. *Ibid. §. 11.*

12. All Probats of Deeds and other Matters, made either in the Mayor's Court, or before Two Magistrates of the City of *Annapolis;* and all Deeds of Lands within the Precincts of the said City, in like Manner acknowledged, shall be good in Law as if made or acknowledged before One Provincial or Two County Justices. 1725, *ch. 8.*

13. The Acknowledgment and Examination of any *Femme Covert* who resides out of the Province, taken before the Mayor of any Corporation in *Great-Britain,* or *Ireland,* or before One Justice of the Supreme Court of any Province or Colony within his Majesty's Dominions, and certified by Indorsement upon such Deed, under the Hand of such Magistrate, and Seal of the Corporation or Colony respectively, shall be good in Law to bar such *Femme Covert* of her Right of Inheritance or Dower as the Case may be. 1752, *ch. 8, §. 2.*

## CONVICTS.

1. Every Master of a Ship importing any Convict Servants, shall bring an authentic Testimonial of the Offences whereof they are convicted, and of the Number of Years they are to serve, on Pain of forfeiting 5 l. Current Money for every such Felon; One Half to the Use of the County, the other to the Informer. 1728, *ch. 23, §. 5.*

2. The