

There was an act of assembly on the subject in 1697, which was of short duration. It is not recorded, and therefore the substance of it cannot be certainly known, but the title is "An act for reformation of jeofails in Maryland;" and I find in the journal of the Upper House, that this act was read the first time and passed. "His excellency recommending that they would consult their other laws, and ascertain what laws of England would be proper to be of force in this province."

The act of 1763, Ch. 23, directed, that judgments should be given according as the very right of the cause and matter in law should appear, &c. which provision was nearly copied from the statute 4 Anne, Ch. 16.

The act of 1785, Ch. 80, to alter and amend the law in certain cases, went further than any of these statutes had gone, by allowing amendments in all proceedings before verdict, and permitting a juror to be withdrawn for that purpose; but it did not include or alter the provisions of this statute as to the mistake of a syllable or letter; the provisions of others as to the amending of records, or those by which misleadings, &c. were aided by verdict.

The act of 1809, Ch. 153, concerning the amendment of judicial proceedings, repeats the provision in the act of 1785. It contains also directions as to the amendment of writs of error, similar to those in the statute 5 Geo. 1, Ch. 13; and as to defects of form after verdict, similar to those in the statute 16 and 17 Charles 2, Ch. 8, with some additions; but it is not certain that it provided for the defects remedied by other statutes; and if it does, it is not inconsistent with them. This statute therefore, (with the others which will be noted,) is considered proper to be incorporated with our laws.

CHAP. 10. Sheriffs shall have the keeping of gaols.—A prisoner by duress becometh an approver. (Part.)

See the note on 19 Hen. 7, Ch. 10.



*A statute of purveyors, 25 Edw. 3, Stat. 5.—A. D. 1350.*

CHAP. 2. A declaration, which offences shall be adjudged treason. (Part.)

It is of importance to ascertain the situation in which we stand as to this statute, to which we have so long been accustomed; and for this purpose it will be necessary to consider at some length, the doctrine of treasons in the province, and in the state.

Among the acts prepared in the session of 1637, but not enacted into laws, there was a bill for treasons, the provisions of which cannot now be ascertained; and among the thirty-six acts read but not passed in 1638, there was also an act for treasons, which was as follows: "To compass or conspire the death of his majesty the king of England, or the queen his wife, or of his son and heir, or to levy war against his majesty, or to counterfeit the king's great or privy seal, or his coin, or to join or adhere to any foreign prince or state, being a professed and declared enemy to his majesty, in any practice or attempt against his said majesty; or to compass, conspire, or cause the death of the lord proprietary, within this province, or of his lieutenant general for the time being, (in absence of the lord proprietary,) or to levy war against the lord proprietary, or his lieutenant general, or to join, adhere, or confederate with the Indians of these parts, or any foreign prince, or government, to the invading of this province, or disheriting the proprietor of his signiory and dominion therein." It will be perceived, that these acts of treason, as far as they related to the king, were comprised in nearly the same words as the 1st, 3d, 4th, 5th and 6th branches of treason, defined by this statute.