

Gassaway, (Harris and M'Henry's Reports, p. 19,) this statute is alledged by counsel to have been restrained, *vi terminis* to England, and that no such oath was required here. The decision of the case by the court seems rather to lead to a contrary opinion.

CHAP. 18. The punishment of an attorney found in default. (Part.)

The first part of this statute ordaining that "all the attornies shall be examined by the justices, and by their discretions, their names put in the roll, and that they be good and virtuous and of good fame" appears proper to be incorporated, &c.

There were frequent disputes in the province, between the two houses, respecting the power of the proprietor or the governor, of appointing and removing attornies. In 1708 the lower house sent the following message: "This house are very sorry the honorable council should hearken to the cunning subtle insinuations of any designing persons, and not look into the statutes empowering courts to admit attorneys, 15 Edw. 2, Ch. 1, and 4 Hen. 4, Ch. 18, and many others which will inform them the courts have the only power."

In the act of 1715, Ch. 48, the power was acknowledged to be in the justices, to admit or suspend attorneys, *salvo jure coronæ*; but there is no other department of our state government to which such a *salvo* can enure, the constitution having provided that the governor shall not, under any pretence exercise any power or prerogative by virtue of any law, statute or customs of England or Great-Britain.



*Statutes made at Westminster, 5 Hen. 4.—A. D. 1403.*

CHAP. 10. Justices of peace shall imprison none but in the common gaol. (Part.)

Although the cause recited for the making of this statute did not exist in the province, yet the general provision in it, "that none be imprisoned by any justice of the peace, but only in the common gaol," was applicable to the circumstances of the people, and still remains so.

The act of 1642, providing some rule for execution, directed the penalty for an escape after there should be a prison built, which was not done before the year 1674, when there was an act for building a state house and prison in St. Mary's county, and another act for erecting a court-house and prison in each county. On this statute, see 9 Co. 119, and 2 Hale 123; but the saving to the lords and others who had gaols of their franchises, was not applicable to the province.



*Statutes made at Westminster, 11 Hen. 4.—A. D. 1409.*

CHAP. 3. Records shall not be amended or impaired after judgment inrolled.

See 3 Bl. Com. 306. This statute appears to have been in force and to remain so, from the practice of the courts.



*Statutes made at Westminster, 13 Hen. 4.—A. D. 1411.*

CHAP. 7. The justices of the peace and the sheriff shall arrest those which commit any riots, &c. (Part.)

The first part of this statute has been, and remains in force.