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A bill, entitled, An ACT for the better administration of justice in the several county courts of this state.

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HEREAS it has been found by experience, that the present system for the administration of justice in the county courts of this state, is attended with great inconvenience, delay and expence, to fuitors, witnesses and jurymen; and an uniformity of legal decisions ought to be obtained, as far as the cir-

eumstances of the state will permit; Be it enacted, by the General Assembly of Maryland, That this state shall be divided into five districts, to be numbered and distinguished as follows; that is to say, on the first day of holding the county court of their Prince-George's, Calvert, Charles, and Saint-Mary's county; and all sheriffs, clerks, and all other civil ofcounties, shall be the first district; Cæcil, Kent, Queen- ficers, shall execute and perform the same offices and Anne's, and Talbot counties, shall be the second district; Anne-Arundel, Baltimore, and Harford counties, shall be the third district; Caroline, Dorchester, Somerset, and Worcester counties, shall be the fourth district; and Washington, Frederick, Montgomery,

and Allegany counties, shall be the fifth district.

And be it enacted, That two county courts shall be held in each county within the said districts in every year, and shall commence and be held as follows; in Prince-George's county on the first Mondays in April and September, in Calvert county on the third Mondays in March and August, in Charles county on cept to the said several chief justices and associate justthe third Mondays in April and September, in Saint- tices, to be a jultice of any county court, but only to Mary's county on the first Mondays in March and Au- be a justice of the peace of such county; and upon the gust, in Caecil county on the first Monday in March issuing of any commission, the justices appointed thereand second Monday in October, in Kent county on the in shall assemble as soon as convenient at the court third Monday in March and the fourth Monday in Oc- house of their county, and qualify as heretofore, but tober, in Queen-Anne's county on the third Monday if any of the persons appointed are absent at the time in May and second Monday in November, in Talbot of meeting, they may qualify at any time before any county on the second Monday in June and the fourth one of them who have before qualified; and every per-Monday in November, in Anne-Arundel county on the second Mondays in April and September, in Baltimore county on the third Monday in March and the second Monday in November, in Harford county on the first Mondays in March and August, in Caroline county on the first Menday in March and the second Monday in October, in Dorchester county on the third Monday in March and fourth Monday in October, in Somerset county on the third Monday in May and second Monday in November, in Worcester county on the fecond Monday in June and fourth Monday in November, in Washington county on the second Monday. in April, and the first Monday in December, in Frederick county on the fourth Monday in March and third Monday in November, in Montgomery county on the second Monday in March and first Monday in November, and in Allegany county on the fourth Monday in April and the third Monday in December.

And be it enacted, That the governor and the council be authorifed and requested to appoint and commission, for each of the faid districts, one person of integratey, experience, and found legal knowledge, (who shall be Ryled in the commission chief instice of the county courts in such district,) and to appoint and commission, in each of the counties of this state, two persons of integrity, experience and knowledge, residents of the county for which they were appointed, who shall be styled in the commission associate justices of the county court of the county for which they shall be appointed), and the faid justices shall hold their commission during good behaviour, and may be removed for mifbehaviour in the same manner as the chancellor and the judges may be removed agreeably to the constitution of

this state, and not otherwise.

And be it enacted, That the county courts in each diftrict shall be composed of the chief justice of the district in which each county shall be, and of the two affociate justices appointed for such counties respectively; county court, appointed and commissioned in virtue seven shillings and fix-pence; on every commission to and that the faid county court, or the chief justice of this act, shall have, within the district for which alone, or the two affociate justices, shall have, possess he shall be appointed, all the powers and jurisdiction And be it enacted, That the said tax shall be paid to and execute, the same power, jurisdiction and duties, of a justice of the peace, except only as to the hearing the clerks of the respective counties at the time of isnow vefted in, or required of the county courts of this state, except in the cases hereafter excepted, (and an appeal, or writ of error, shall lie to the general court, in the same manner, and under the same regulations, as is now or shall hereafter be allowed by law from the county courts to the general court); and any one of the fain amoriate justices may hold and adjourn the faid And be it enasted, That the said chief justice, or taxed in the costs of suit; and the clerk of enasted, court, and empannel and charge the grand jury, and either of the affociate justices, may, in his chambers ty shall, every fix months, settle his accounts, on a direct process to lifte on any presentment or indicament direct the clerk to enter judgments by confession, or or assirmation, with the treasurer of his shore, and whibited to the faid court, and he may direct subpose legal and valid as if entered in court during its fitting, use of the chief justice of his district, within thirty

of DELEGATES, December 20, nas to issue for witnesses to attend the faid court, or And be it enacted, That every chief justice, appointed or non fum informatus.

> commence, shall be returned to the several county courts constituted by this act, at the times herein be-

> And be it enacted, That all commitments and recognizances for all felonies, crimes, offences or misdemeanors, committed in the several counties, and triable by law in the county courts, shall be returned to the justices appointed in virtue of this act, by the justice making such commitment, or taking such recognizance, duties, under the same penalties, as they are now obliged by law to perform and execute under the county courts as now established.

> And be it enacted, That no action to be commenced in any county court appointed in virtue of this act, shall continue longer than the end of the first court after the imparlence court, unless such cause as the law may allow for the continuance of suits beyond the time limited shall appear to the satisfaction of the court.

> And be it enacted, That after the commencement of this act, no commission shall issue to any person, exfon appointed a justice of the peace, as such, shall have the same power and jurisdiction as any justice of any county court now hath by law out of court; and the justices of the peace appointed for any county, and any three or more of them, shall meet at the court-house of their county at the time appointed by law for laying their county affessment, and they are hereby required, then and there to lay the affesiment of their county as heretofore, and the clerk of their county shall attend them for that purpose; and the said justices of the peace shall and they are hereby required to perform and execute in their respective counties all the duties and offices committed to the county courts by the law for the inspection of tobacco; and each of the said justices of the peace shall have and receive at the rate of ten shillings a day while attending on the public service aforesaid, to be assessed in their county assessment.

> And be it enacted, That every justice appointed and commissioned in virtue of this act, shall, before he acts as fuch, take the oaths of fidelity and support to this state, as required by the constitution and laws thereof, provided he hath not before taken the same, and also the oath of justice as required by the act of February session, seventeen hundred and seventy-

And be it enacted, If the chief justice of any county court, appointed and commissioned in virtue of this act, shall refuse to act, or after acceptance shall refign, die, or be rendered incapable to act, or if any affociate justice, appointed and commissioned in virtue of this act, shall refuse to act, or after acceptance shall resign, die, be rendered incapable to act, or remove out of the county, the governor for the time being, with the advice and consent of the council, are hereby authorifed and requested to appoint and commission another fit and proper person to fill such vacancy.

And be it enacted, That every chief justice of any and determining in the case of small debts out of court; and every affociate justice, appointed and commissioned in virtue of this act, shall have, within the except as last aforesaid.

attachments of contempt to iffue against witnesses or ju- and commissioned in virtue of this act, shall receive ERED, That the bill, entitled, An Act for rors for non-attendance, and he may direct any witness as a compensation for his services as follows, to wit a setter administration of justice in the leveral to be sworn to the grand jury, and receive any present- for the first district at the rate of three hundred and county courts of this state, be referred to the next ment or indicament from the grand jury, and take re- ninety-five pounds current money per annum to be session of assembly, and published three weeks in the cognizances for the appearance of witnesses, or any paid by Prince-George's, Calvert, Charles, and Saint-Maryland Gazette, and Baltimore Journal, for the person presented or indicted, and he may commit any Mary's counties, in proportion to the amount of alperson presented or indicted for want of security, and sessable property in each of the said counties respectivehe may direct judgments to be entered on contession, ly, the said amount to be ascertained in each year by reference to the last general assessment of property; And be it enacted, That all causes, pleas, process and for the second district at the rate of the same sum per proceedings, relative to any cause, civil or criminal, annum, to be paid by Cæcil, Kent, Queen-Anne's, which shall be returnable to, or depending before, the and Talbot counties,' in the same proportion, to be several county courts of this state, when this act shall ascertained as aforesaid; for the third district at the rate of the same sum per annum, to be paid by Anne-Arundel, Baltimore, and Harford counties, in the fore appointed for the holding of each court, and shall same proportion, to be ascertained as aforesaid; for be heard, tried, and determined therein, in the same the fourth district the same sum, to be paid by Caromanner as if no change had been made in the faid line, Dorchester, Somerset, and Worcester counties, in the same proportion, to be ascertained as aforesaid; for the fifth district at the rate of the same sum per annum, to be paid by the counties of Washington, Frederick, Montgomery, and Allegany, in the lame proportion, to be alcertained as aforefaid; provided always, that until the next general affessment of property takes place the faid counties of Washington and Allegany shall be considered, with respect to the said assessment, as if they were still the same county; and the justices of the peace of the feveral countie shall assels, in their county assessment, the sums payable by their respective counties as aforesaid, with a commisfion of five per cent. for collection, which faid fums shall be collected with the county assessment, and paid by the collectors to the chief juttice of their respective district on or before the first day of February next enfuing the laying of the said affeilment.

And be it enacted, That the clerk of every county shall, yearly, on or before the first day of May, certify under his hand and seal of office, the amount of the affessable property in his county, and lodge one certificate thereof with the clerks of each county in his district, under the penalty of twenty pounds current

And be it enacted, That each affociate justice, appointed and commissioned in virtue of this act, shall receive, as a compensation for his services, the lum of fifteen shillings current money for every day he shall attend the duty of his office; and the said allowance shall be assessed in his county assessment.

And be it enacted, If any collector shall not pay the allowance to any chief justice intrusted to his collection by virtue of this act, within thirty days after the same shall become due, it shall be lawful for the person not paid to file an attested copy of his bond in the general, or any county court, with an affidavit of the sum due, and a demand and refutal of payment, and thereupon execution shall issue against such collector and his securities, and if payment be alleged, the court may, on motion, inquire into the fact in a fummary way, and commit or release, or give such other remedy as the nature of the execution and justice may require.

And, Whereas by divers acts of assembly the justices of the county courts are authorised and enjoined to do fundry matters and things at the county courts to ie held in certain months in the faid acts mentioned, and in many instances there is an alteration of the time of holding the faid county courts by this act, Be it enacted. That in all cases where the courts are by this act directed to be held in different months from those mentioned in the said acts of assembly, or any of them. it shall be lawful for the justices of the county courts. to be commissioned in virtue of this act, to do and perform all fuch matters and things at fuch time in each year as they shall think convenient, either at their court in course, or an adjourned court.

And, As a fund towards payment of the above annual fums to the chief justices of the several districts. Be it enacted, That the following taxes shall be paid, in current money, on the following process and proceedings in the county courts of this state, to wit; on every writ of ejectment, partition, or dower, seven shillings and fix-pence; on every writ of trespass quare clausum fregir, five shillings; on every other original writ, two shillings and fix-pence; on every appeal, writ of error, hubeas corpus, cum causa, or certi rari,

mark and bound lands, seven shillings and fix-pence. fuing the faid process or commissions, or of entering the faid appeals, or producing the faid writs of error, habeas corpus, or certiorari, by the perions applying county for which he shall be appointed, all the powers for the said process or commissions, or desiring the said and jurisdiction of a justice of the peace out of court, appeal to be entered, or producing the fild writs of error, habeas corpus, or certiorari, and shall be allowed found in the faid court, or on any petition or complaint non fum informatus, and such judgments shall be as shall pay the sum adjusted to the faid treasurer, for the