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W. HARWOOD, CIC.

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

county courts of this state, is attended with great inconvenience, delay and expence, to imtors, witnesses and jurymen; and an uniformity of egal decisions ought to be obtained, as tar as the cirumstances of the state will permit;

Be it enacted, by the General Affembly of Maryland, That this state shall be divided into five districts, to be numbered and distinguished as follows; that is to fay, Prince-George's, Calvert, Charles, and Saint-Mary's counties, shall be the first district; Cæcil, Kent, Queen-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 emacled, That two county courts shall be held in each county within the faid diffricts in eyery 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 the third Mondays in April and September, in Saint-Mary's county on the first Mondays in March and August, in Cæcil county on the first Monday in March and second Monday in October, in Kent county on the third Monday in March and the fourth Monday in October, in Queen-Anne's county on the third Monday in May and tecond Monday in November, in Talbot county on the second Monday in June and the fourth 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 fecond Monday in November, in Harford county on the first Mondays in March and August, in Caroline coun- justices of the peace appointed for any county, and any ty on the first Monday in March and the second Mon- three or more of them, shall meet at the court-house of day in October, in Dorchester county on the third their county at the time appointed by law for laying Monday in March and fourth Monday in October, in Someriet county on the third Monday in May and fecond Monday in November, in Worcester edunity on the second 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 Decem-

And be it enacted, That the governor and the council be authorised and requested to appoint and commission, for each of the faid diffrict; one person of integrity, experience, and found legal knowledge, (who shall be styled in the commission chief justice of the county courts in such district,) and to appoint and commission, in each of the counties of this state, two perions of integrity, experience and knowledge, residents of the county for which they were appointed, who shall be Byled in the commission affociate 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 his state, and not otherwise,

wist shall be composed of the chief justice of the dif- another fit and proper person to fill such vacancy. trict in which each county shall be, and of the two as- And be it enacted, That every chief justice of any fociate justices appointed for such counties respectively; county court, appointed and commissioned in virtue and that the faid county court, or the chief justice of this act, shall have, within the district for which alone, or the two associate justices, shall have, possess he shall be appointed, all the powers and jurisdiction and execute, the same power, jurisdiction and duties, of a justice of the peace, except only as to the hearing now vested in, or required of the county courts of this and determining in the case of small debts out of expeal, or writ of error, shall lie to the general court, missioned in virtue of this act, shall have, within the nothe fame manner, and under the same regulations, acounty for which he shall be appointed, all the powers for the said process of commissions, or desiring the said wie mow or shall hereafter be allowed by law from the and jurisdiction of a justice of the peace out of court, appeal to be entered, or producing the faid writs of error, but the peace out of court, appeal to be entered, or producing the faid writs of error, and shall be allowed and but the peace out of court, appeal to be entered, or producing the faid writs of error, and shall be allowed and but the peace out of court, appeal to be entered, or producing the faid writs of error, and shall be allowed and be allowed and but the peace out of court, appeal to be entered, or producing the faid writs of error, and shall be allowed and be allowed an fald affociate justices may hold and adjourn the faid. And be it enacted, That the said chief justice, or taxed in the costs of suit; and the clerk of every coun-Lin the faid court, or on any petition or complaint, non-fam informatus, and fuch judgments thall be as hall pay the fam adjusted to the faid treaturer; for the

nas to iffue for witnesses to attend the said court, or . And be it enacted, That every chief justice, appointed ORDERED, That the bill, entitled, An Act for attachments of contempt to iffue against witnesses or ju- and commissioned in virtue of this act, shall receive he better administration of justice in the several rors for non-attendance, and he may direct any witness as a compensation for his services as follows, to wit; county courts of this flate, be referred to the next to be favorn to the grand jury, and receive any present. for the first district at the rate of three hundred and on of affembly, and published three weeks in the ment or indictment from the grand jury, and take re- ninety-five pounds current money per annum, to be Maryland Gazette, and Baltimore Journal, for the cognizances for the appearance of witnesses, or any paid by Prince-George's, Calvery Charles, and Saintperion prefented or indicted, and he may commit any Mary's counties, in proportion to the amount of afperion pretented or indicted for want of fecurity, and feffable property in each of the faid counties respectiveor non fum informatus.

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 Rate, when this act shall ascertained as aforesaid; for the third district at the HEREAS it has been found by ex- commence, shall be returned to the several county rate of the same sum per annum, to be paid by Anneperience, that the present system for courts constituted by this act, at the times herein be- Arundel, Baltimore, and Harford counties in the the administration of justice 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 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,

nizances 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, on the first day of holding the county court of their county; and all theriffs, clerks, and all other civil officers, shall execute and perform the same offices and 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 imparlance court, unless such cause as the law may allow for the continuance of fuits beyond the time limited shall appear to the satisfaction of the court.

And be it enasted, That after the commencement of this act, no commission shall issue to any person, except to the said several chief justices and associate justices, to be a juitice of any county court, but only to be a justice of the peace of such county; and upon the issuing of any commission, the juitices appointed therein shall assemble as soon as convenient at the court house of their county, and qualify as heretofore, but if any of the persons appointed are absent at the time of meeting, they may qualify at any time before any one of them who have before qualified; and every perfon appointed a justice of the peace, as fuch, shall have the same power and jurisdiction as any justice of any county court now hath by law out of court; and the their county affestment, and they are hereby required, then and there to lay the affessiment of their county as heretofore, and the clerk of their county shall attend them for that purpole; and the faid 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 aforciaid, to be affessed in their county affessment.

And be it enacted, That every justice appointed and commissioned in virtue of this act, shall, before he acts, as such, 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 refign, 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 here-And be it enacted. That the county courts in each dif- by authorifed and requested to appoint and commission

tate, except in the cases hereafter excepted, (and an court; and every affociate justice, appointed and com-

t, 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 eath see's to iffue on any presentment or indictment direct the clerk to enter judgments by confession, or or assimation, with the treasurer of his thore, and

GATES. December 20, exhibited to the faid court, and he may direct subpose. legal and valid as if entered in court during its fitting. e may direct judgments to be entered on confession, 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 in the fame proportion, to be afcertained as aforelaid; And be it enacted, That all commitments and recog- for the fifth diffrict at the rate of the same sum per annum, to be paid by the counties of Washington, Frederick, Montgomery, and Allegany, in the tame proportion, to be afcertained as aforelaid; provided always, that until the next general affiffment of property takes place the faid counties of Walhington and Allegany shall be considered, with respect to the said affestment, as if they were still the same county; and the justices of the peace of the several countie shall assels, in their county assessment, the sums payable by their respective counties as aforesaid, with a commissision of five-per cent. for collection, which said tums shall be collected with the county affestment, and paid by the collectors to the chief justice of their respective district on or before the first day of February next enfuing the laying of the faid affestment.

> And be it enacted, That the clerk of every county shall, yearly, on or before the first day of Ma, eertify under his hand and feal of office, the amount of the affelfable 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 jum of fifteen shillings current money for every day he shall attend the duty of his office; and the laid 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 fecurities, 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 r medy as the nature of the execution and juitice may require.

And, Whereas by divers acts of affembly the justices of the county courts are authorised and enjoined to do fundry matters and things at the county courts to e held in certain months in the said 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 faid acts of affembly, 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 such matters and things at such time in each year as they shall think convenient, either at their

court in courie, 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, leven 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, habeas corpus, cum caufa, or certiorani, seven shillings and fix-pence; on every commission to mark and bound lands, seven shillings and fix-pence.

And be it enacted, That the faid tax shall be paid to the clerks of the respective counties at the time of ilfuing the faid process or commissions, or of entering the faid appeals, or producing the faid writs of error, habeas corpus, or certiorari, by the pentons applying