

MARYLAND GAZETTE.

T H U R S D A Y, A P R I L 30, 1795.

An ACT for altering the twenty third article of the constitution and form of government of this State, and such parts of the twenty-fifth and twenty-sixth articles of the same as respect the time of choosing the governor and the council to the governor.

HEREAS it will greatly conduce to the promotion of public convenience, that the annual constitutional session of the legislature should commence on the third Monday in December instead of the first Monday in November,

II. Be it enacted, by the General Assembly of Maryland, That the time of holding the annual session of the legislature, fixed by the constitution and form of government on the first Monday in November, shall, after the confirmation of this act, be changed to the third Monday in December in each year, and the first session under and by virtue of the alteration contemplated by this act shall be and commence on the third Monday in December, one thousand seven hundred and ninety six.

III. And be it enacted, That after the meeting of the general assembly of Maryland in virtue of this act, the governor of this state shall from thenceforth be elected annually on the Monday next after the commencement of each session thereof, and that the council to the governor shall be appointed and elected annually on the Tuesday next after the commencement of each session thereof; and the said governor and council, who shall have been elected and appointed next preceding the commencement of this act, shall continue to act as such, and be vested with all the powers and authority given to them respectively by the constitution, until the appointment of a governor and council in virtue and pursuance hereof.

IV. And be it enacted, That this act shall be published for the consideration of the people at least three months previous to the next election of delegates, and if confirmed by the general assembly at their next session which shall ensue the said general election, then this act, and the regulations herein contained, shall be taken and received as part of the constitution and form of government of this state, and every thing in the said constitution and form of government to the contrary is and shall be hereby repealed.

An ACT to alter such parts of the constitution and form of government which prevent persons conscientiously scrupulous of taking an oath from being members of the legislature, members of the senate, or to hold offices of profit and trust.

BE it enacted, by the General Assembly of Maryland, That every person being a member of either of the religious sects or societies called Quakers, menonists, Tunkers or Nicolites, or New Quakers, and who shall be conscientiously scrupulous of taking an oath on any occasion, being otherwise qualified and duly elected a senator, delegate, or elector of the senate, or being otherwise qualified and duly appointed or elected to any office of profit or trust, on making affirmation instead of taking the several oaths appointed by the constitution and form of government, and the several acts of assembly of this state now in force, or that hereafter may be made, such person may hold and exercise any office of profit or trust to which he may be appointed or elected, and may, by such affirmation, qualify himself to take a seat in the legislature, and to act therein as a member of the same in all cases whatever, or to be an elector of the senate, in as full and ample a manner, to all intents and purposes whatever, as persons are now competent and qualified to act who are not conscientiously scrupulous of taking such oaths.

II. And be it enacted, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alterations and amendments of the constitution and form of government therein contained, shall be taken and considered, and shall constitute and be valid, as a part of the said constitution and form of government, to all intents and purposes, any thing in the said constitution and form of government contained to the contrary notwithstanding.

III. And be it enacted, That the several clauses and sections of the constitution and form of government contrary to the provisions of this act, so far as they respect either of the sects or societies aforesaid, shall be and are hereby declared to be repealed and annulled, on the confirmation hereof.

An ACT to repeal the fortieth section of the constitution and form of government.

WHEREAS the fortieth section of the constitution and form of government has been considered by some as inconsistent with the thirtieth section of the declaration of rights, and great inconvenience and injury to the public and individuals, may result from officers of government being removable only for misbehaviour, on conviction in a court of law;

II. Be it enacted, by the General Assembly of Maryland, That the said fortieth section of the constitution and form of government be repealed, and any officer mentioned in the same fortieth section shall be removed for misbehaviour, on conviction in a court of law, and may be removed by the governor, upon the address of the general assembly, provided that two thirds of all the members of each house concur in such address.

III. This act to take place on its being confirmed by the general assembly after the next election of delegates, in the first session after such new election, according to the constitution and form of government.

An ACT concerning the jurisdiction of the general court.

WHEREAS it is declared by the bill of rights, that the trials of facts where they arise is one of the greatest securities of the lives, liberties, and estate of the people; And whereas the decision of causes in the general court, without very great delay and expence, is impracticable; therefore,

II. Be it enacted, by the General Assembly of Maryland, That from and after the end of this session of assembly, all actions or suits at law whatsoever shall be commenced, prosecuted, and carried on to final judgment, in the respective county courts of the counties wherein the defendant or defendants may reside, and not elsewhere, and the several and respective county courts shall have full power and authority to hear and determine all such suits and actions.

III. Provided nevertheless, That nothing contained in this act shall be construed to abridge or limit, in any manner whatever, the jurisdiction, authority and powers, of the justices of the peace, as established by the laws of this state.

IV. And be it enacted, That in all suits or actions at law hereafter to be commenced or instituted in the county courts of this state, the justices of the several county courts, upon suggestion supported by affidavit, or other satisfactory proof, that any suit or action cannot be fairly or impartially tried in such county, shall and may order and direct the record of their proceedings in such suit or suits to be transmitted to the justices of any adjoining county court for trial, and the justices of such adjoining county court shall hear and determine the same in the same manner as if such suit had been originally instituted therein; provided nevertheless, that such suggestion be made during the term next after, or in which the issue shall or may be joined in said suit or action.

V. And be it enacted, That any party or parties aggrieved by any judgment or determination of any county court in any civil suit or action, or any prosecution for the recovery of any penalty, fine or damages, shall have full power and right to appeal from such judgment or determination to the general court; provided, that no such appeal shall stay execution of a judgment against any defendant or defendants, unless bond and security be given as prescribed by the act for regulating writs of error, and granting appeals from and to the courts of common law within this province, passed at a session of assembly begun and held at the city of Annapolis the twenty-seventh day of October, in the year seventeen hundred and thirteen.

VI. And be it enacted, That if any trespass shall be committed on any real property within this state, and the person or persons committing the same shall remove from the county where such property may be, or cannot be found in such county, such trespasser may be sued in any county where he or she may be found.

VII. And be it enacted, That if the plaintiff or plaintiffs, defendant or defendants, in any such action of trespass, shall move the court in which such action is brought for a warrant of return, to locate the lands on which such trespass was committed, it shall and may be lawful for the court to issue such warrant to the surveyor and sheriff of the county where such land lies.

VIII. And be it enacted, That all warrants, process and subpoenas, issued out of any county court of this state, directed to the sheriff, or coroner or surveyor, of any other county, shall be executed in the same manner as warrants, process or subpoenas, which have heretofore issued out of the general court of this state, and every jurisdiction or power incident thereto, and which hath or might have been exercised by the general court, or any of the officers of the same, shall and may be exercised by the respective county courts of this state, and the officers thereof.

IX. And be it enacted, That in case any plaintiff or plaintiffs, his, her or their executors or administrators, shall think proper to issue process against any bail which have heretofore been taken in any action depending in the general court, or against the executors or administrators of such bail, the clerk of the said court, upon application of the said plaintiff or plaintiffs, or his, her or their attorney, executors or administrators, shall make out and transmit to the justices of the county court in which the said bail, or his, her or their executors or administrators, shall reside, an exemplification of the record of the proceedings of such court, upon which all such process and proceedings shall be had in the county court, as if such bail had been originally taken therein.

X. And be it enacted, That in case the person or persons who shall have become bail for any defendant or defendants in any action now depending in the general court, shall remove from, or cannot be found in, the county in which he or they resided at the time he or they become bail in such action, the county court of the said county court of the said county shall, upon the return of two writs to any *scire facias* issued against such bail, and upon default of his or their appearance, enter judgment thereupon against such bail.

XI. And be it enacted, That in case of any judgment rendered in the general court, upon which it shall be necessary to issue a *scire facias* to obtain the effect of the said judgment, the clerk of the general court, upon application of the plaintiff or plaintiffs, or his or their attorney, executors or administrators, shall make out and transmit to the justices of the court of the county in which the defendant or defendants, or his, her or their executors, administrators or tenants shall reside, or in which the said defendant or defendants, his, her or their executors or administrators last resided, in case of removal out of the state, an exemplification of the record and proceedings of such court, upon which

all such process proceedings shall be had in the county court, as if the original judgment had been rendered therein.

XII. And be it enacted, That the justices of the several and respective county courts shall have exclusive jurisdiction and authority to try, according to law, all and every person or persons who shall have committed, or shall commit, any offence or crime whatsoever, although it may subject such person or persons to the pains of death, and upon the conviction of the offender or offenders in due course of law in the county court of the county in which the crime hath been or shall be committed, shall give judgment according to the nature and quality of the crime or offence.

XIII. And be it enacted, That if any party presented or indicted in any of the county courts of this state, shall suggest to the court in which such prosecution is depending, that a fair and impartial trial cannot be had in such court, and shall support such suggestion by affidavit, or other satisfactory evidence, it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the justices of any adjoining county court for trial, and the justices of such adjoining county court shall hear and determine the same in the same manner as if such prosecution had been originally instituted therein.

XIV. And be it enacted, That if the attorney-general, or the prosecutor for the state, shall suggest to any county court before whom an indictment is or may be depending, that the state cannot have a fair and impartial trial in such court, it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the justices of any other county court for trial, and the justices of such county court shall hear and determine the same in the same manner as if such prosecution had been originally commenced therein.

XV. And be it enacted, That the justices of the said county courts shall in all cases civil, to be tried before them, sign and allow bills of exceptions, where the same shall be desired by the parties, or their counsel, or either of them.

XVI. And be it enacted, That in all cases of appeals or writs of error hereafter to be prosecuted or brought before the general court or court of appeals, as the case may be, by plaintiff or defendant, upon a bill or bills of exception, where the judgment shall be reversed, the general court, or court of appeals, shall direct their clerk to return the transcript of the record to the clerk of the county court that gave the judgment, with a writ of *procedendo* to such county court, directing them to proceed in such action, and to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted, or writ of error brought, and the opinion of the general court, in case there be no appeal therefrom, or writ of error brought thereon, or the court of appeals, as the case may be, shall be conclusive in law as the question by them decided; and such county court, on receiving such writ of *procedendo*, shall proceed in such action to a new trial thereof, in the same manner as if no trial had taken place, or any appeal had been prosecuted, or writ of error brought, and shall direct such action to be tried at the court to which the said writ of *procedendo* shall be returned, of the plaintiff or defendant shall give notice of trial at such court, above thirty days before the sitting thereof, to the adverse party, or to his attorney at law or in fact, and the trial can be had at such court with justice to the parties, and if not, such action may be continued in like manner as other actions, according to the discretion of the court, and the appellee on such reversal may be compelled to pay the costs in the general court, or court of appeals, by execution issued therefrom, returnable to the county court that gave the judgment, and all former and future costs in the county court of such action shall abide the final event thereof, and if the appeal or error shall be made for several exceptions, the general court, or courts of appeals, shall give judgment on every exception.

XVII. And be it enacted, That as soon as the several suits, prosecutions and causes, now depending in the general court of this state, shall have been heard and determined, it shall not be lawful for the said court to summon any grand or petit jury upon any occasion whatsoever, any thing contained in the acts of assembly of this state to the contrary notwithstanding.

XVIII. And be it enacted, That all acts of assembly, jurisdictions and authority, repugnant to, or inconsistent with, the provisions of this law, are hereby repealed, abrogated and annulled.

XIX. This act to be published at least three months before the next election of delegates, and to take place and be in force for the term of three years, on its being ratified and confirmed by the general assembly after the next election of delegates, in the first session after such new election, according to the constitution and form of government, any thing in the fifty-sixth section of the said constitution and form of government to the contrary notwithstanding.

BRESLAW, December 4.

Summary account of the latest Polish news, received yesterday from Warsaw.

THE ancient constitution is re-established *ad interim*; all the ancient Polish troops have been disbanded; all the pikes have been burned, and the iron thereof thrown into the river.

There are but very few Russian troops in the capital, the provisory command of which was given to