

MARYLAND GAZETTE.

T H U R S D A Y, J A N U A R Y 28, 1802.

Laws of Maryland.

PASSED NOVEMBER SESSION, 1801:

A Supplement to an act, entitled, An act for the speedy recovery of small debts, and to repeal the eighth section thereof, passed at November session, seventeen hundred and ninety-one.

BE IT ENACTED, by the General Assembly of Maryland, That in all cases where witnesses do not attend according to summons, the justice of the peace before whom such witnesses ought to have attended, shall and may enforce obedience to his process by attachment of contempt; to be made returnable before the justice of the peace issuing the same, or such other justice of the peace before whom the same shall be returned, who is hereby authorized and required to take cognizance thereof, and shall and may, at the discretion of such justice of the peace before whom the same shall be heard, tried and determined, fine the offender in any sum not exceeding twenty shillings current money of Maryland for every such offence, to be applied towards defraying the charges of the county wherein the same shall be recovered.

And be it enacted, That every justice of the peace by whom such fine shall be imposed, shall, upon refusal of the offender to pay the same, issue execution to the constable to levy said fine, with costs of execution, on the offender's lands, goods or chattels, and the constable receiving the said fine shall pay the same to the justice by whom such execution was issued, who shall, in every year, on or before the first day of January, make return of every such fine, and pay the same over to the clerk of the county wherein the same was recovered.

And be it enacted, That the clerks of the several county courts shall make true return of all such fines by them received to the justices of the levy courts of their respective counties; to be by them applied as aforesaid.

And be it enacted, That the eighth section of the act to which this is a supplement, passed November session, seventeen hundred and ninety-one, entitled, An act for the speedy recovery of small debts out of court, be and the same is hereby repealed.

A Supplement to an act, entitled, An act for regulating the mode of staying execution, and repealing the acts of assembly therein mentioned, and for other purposes.

BE IT ENACTED, by the General Assembly of Maryland, That from and after the twentieth day of March next, no justice of the peace of this state, before whom superseatas on any judgment rendered by a single magistrate hath been taken, shall make return of any such superseatas to the office of the said county court, for the purpose that the same should be recorded or filed therein by the clerk of the said county, any law to the contrary notwithstanding.

And be it enacted, That any justice of the peace before whom superseatas shall or may be taken from and after the said twentieth day of March next, or any other justice of the peace of said county, may and shall, at the request of the plaintiff, or any other person authorized by or on behalf of said plaintiff, issue execution by way of *capias ad satisfaciendum* or *seri facias* against the principal debtor and his securities, or against either of them, after the expiration of the time so mentioned in the said superseatas.

And be it enacted, That the constables of the respective counties of this state, who have been, or may hereafter be, duly appointed and qualified according to law, are hereby authorized and empowered to serve and levy executions issued by a justice of the peace on judgments obtained for small debts out of court, in the same manner and by the same process as the sheriff or their deputies are by law authorized to do, and to receive the same fees that the said sheriff are entitled by law to receive for the same services; provided nevertheless, that the said constables shall, before they proceed to discharge the duties required by this act, give bond to the state of Maryland, with good and sufficient security, in the penalty of two hundred and fifty dollars, to be approved of by the levy court of the county, for the due performance of the duties of a constable, and also the duties and trust reposed in them by virtue of this act, whose duty it shall be to have the same filed or entered on record by their clerks, provided that nothing in this act contained shall be construed to prohibit or prevent the sheriff or their deputies, in the respective counties, from executing or levying executions issued by a justice of the peace for small debts out of court, when the same are put into their hands for this purpose, in the same manner

as by law they have been or now are authorized to do.

And be it enacted, That where any judgment obtained before a single magistrate shall have continued for more than one year, and the said judgment had not been paid or satisfied, it shall and may be lawful for the justice before whom the said judgments had been obtained, or any other justice of the peace for said county, to revive the same by a writ of *scire facias*, which shall be made returnable on a certain day, not exceeding forty days from the time of issuing the same; to the said justice, or to any other justice of the peace of said county; and any constable, qualified as above mentioned, of the hundred, or of the said county, is hereby authorized and required to serve such writ of *scire facias*, and make due return thereof on the return day mentioned in the said writ, in the same manner, and entitled to the same fee; and liable to the same penalty, as in the case of a warrant issued by a single magistrate, according to law in such case made and provided.

And be it enacted, That it may be lawful for any constable of the county qualified as aforesaid, to deliver at the county gaol, to the sheriff or gaoler of the said county, any person committed by a single magistrate on a *capias ad satisfaciendum*, when the case may or doth so require, and that the said sheriff or his gaoler are hereby required and directed to take charge of such person, and the same in his custody safe keep, until such person or persons shall be duly discharged therefrom according to law.

And be it enacted, That this act shall continue to be in force for and during the continuance of the act to which this is a supplement.

And be it enacted, That so much of the act to which this is a supplement as is contrary to, or inconsistent with, this act, be and the same is hereby repealed.

An ACT respecting public notaries in this state.

WHEREAS the establishment of public notaries has been found useful in all commercial countries, and it is proper by law to regulate their fees in current money of the United States.

Be it enacted, by the general assembly of Maryland, That after the thirty-first day of December instant, the governor and council shall appoint and commission; in addition to the notaries public already appointed and commissioned in this state, a competent number of persons of known good character, integrity and abilities, as notaries public for the state of Maryland, to reside within such place or places within this state as the governor and council shall, in and by their respective commissions, direct; provided always, that there shall not be at any time more than four notaries appointed and commissioned to reside within the city and county of Baltimore; and provided also, that no person shall be commissioned as a notary who is not a citizen of the United States, and shall not have resided within this state two years previous to his appointment.

And be it enacted, That the notaries public now or hereafter to be appointed and commissioned under the authority of this state, and every of them, shall have the power of administering oaths and affirmations according to law, in all matters belonging or incident to the exercise of their notarial office.

And be it enacted, That the said notaries, and every of them, shall have the power to receive the proof or acknowledgment of all instruments of writing relating to commerce or navigation, and such other writings as have been usually proved and acknowledged before notaries public, and also to make protests and declarations, and testify the truth thereof, under their seals of office, concerning all matters by them done in virtue of their respective offices.

And be it enacted, That every of the said notaries shall keep fair registers of all protests, and other official acts by them done in virtue of their office, and shall, when thereto required, give a certified copy of any record in his office unto any person or persons applying for the same, such person or persons paying the customary fees therefor.

And be it enacted, That in case of the death, resignation, disqualification or removal, from office, of any of the said notaries, his or their registers and other public papers, shall be lodged, within sixty days next after such death, resignation, disqualification or removal, in the office of the clerk of the county where he or they reside, who may bring and maintain actions of trover or detinue for the same, and such registers or public papers shall not, in any case, be liable to be seized or taken in execution for debt or for any demand whatsoever.

And be it enacted, That every notary shall provide a public notarial seal, with which he shall authenticate his acts, instruments and attestations, on which seal shall be engraved such device as said notary may think proper, and for legend shall have the name, sur-

name and office, of the notary using the same, and the place of his residence.

And be it further enacted, That every notary on his appointment, and before he enters on the duties of his office, shall take and subscribe an oath, or affirmation, that he shall and will well and faithfully perform the duties of his office, as is prescribed to be taken by other officers of the government of this state.

And be it enacted, That the fees to be received by the notaries public shall be as follow: Drawing all proceedings not exceeding two sides, fifty cents; drawing all proceedings exceeding two sides, twenty cents per side; registering or copying proceedings, for every such side ten cents; presenting a bill of exchange for acceptance, if accepted and not afterwards protested for non-payment, one dollar; presenting a bill or note for payment, if paid when presented, one dollar; noting a bill for non-acceptance, if not protested for non-acceptance or non-payment, one dollar; protesting a bill or note, or the like, for non-acceptance or non-payment, one dollar and seventy-five cents; noting a marine protest, one dollar; affixing notarial seal, fifty cents; for every search, where no copy is made, twenty-five cents; administering an oath or taking an acknowledgment, twelve and an half cents; and for all other acts and services in proportion to the aforesaid fees, to be paid at the time of doing the same.

And be it enacted, That it shall be lawful for any notary public to do and perform such special acts proper to be done by a notary public to which he may be required, in any other county of this state than that for which such notary is appointed, but in all such cases, as well as in all cases where such notaries are required to go more than three miles from their place of actual residence, such notary shall be allowed not exceeding twenty cents per mile.

S A L E M, January 12.

The last year was rendered memorable to Great Britain, by the incorporation of the "Royal Institution," the object of which is to apply the science of natural philosophy to the improvement of the useful arts, and the promotion of general happiness. The projector of this grand establishment is an American, COUNT RUMFORD—His patron, the king. It is under the direction of 150 subscribers at 50 guineas each; there are also 126 life subscribers at 10 guineas each; and 114 annual subscribers at 2 guineas each. Five thousand pounds have been raised for the construction of a theatre, for public lectures; and a splendid and convenient house has been taken for the accommodation of the society. This "Royal Institution" is probably designed as a rival to the famous "National Institute" of France.

[London paper.]

PHILADELPHIA, January 15.

Extract of a letter, dated Lancaster, January 13th, 1802.

"A resolution respecting the removal of the seat of government, was this day discussed in the house of representatives and negatived; in favour of removal 41—against a removal 42."

"A bill for erecting a new militia system has been reported and made the order for a distant day. Several other subjects of considerable importance will be discussed in a few days."

January 19.

A letter from an officer on board the U. S. frigate Philadelphia, dated at Algiers the 30th of October last, says, that they were taking on board the provissos which had been sent out for them, and that they should leave that place in two days, with the convoy for Malaga, and from thence up the Mediterranean. The frigate President was shortly to sail from Gibraltar for the United States.

NORFOLK, January 9.

By the brig William, capt. Oldner, we have received St. Vincent's papers of a late date; the following proclamation of general Lacroffe is extracted from them; it is important, as it develops the intentions of the French government relative to Guadaloupe:

The verbal accounts by this vessel are, that the Penfee frigate had left at Madeira a fleet of 100 transports, and 6 British and 6 French sail of the line, full of French troops from France, on their way to the West-Indies.

Kingston, December 15.

On Wednesday last arrived here from Dominique, his majesty's ship Surinam, having on board two companies of the 1st W. India regiment for this island, under the command of captain Smele. She brings the proclamation of genl. Lacroffe (a copy of which we have given in this day's paper) declaring all persons acting under the present usurpers in Guadaloupe, either by sea or land, to be traitors.