

SUPPLEMENT

TO THE

MARYLAND GAZETTE.

THURSDAY, MAY 30, 1805.

In Council.

ANNAPOLIS, MAY 16, 1805.

ORDERED, That the act to provide for the trial of facts in the several counties of this state, and to alter, change and abolish, all such parts of the constitution and form of government as relate to the general court and court of appeals, be published twice in each week, for the space of three months, in the Maryland Gazette, at Annapolis; the American, Telegraphic, and the Federal Gazette, at Baltimore; the National Intelligencer; the Republican Advocate and Bartgis's paper, at Frederick-town; Grievess's paper, at Hagar's-town; and in Smith's and Cowan's papers, at Ealton.

By order,

NINIAN PINKNEY, Clerk.

An ACT to provide for the trial of facts in the several counties of this state, and to alter, change and abolish, all such parts of the constitution and form of government as relate to the general court and court of appeals.

Be it enacted, by the General Assembly of Maryland, That this state shall be divided into judicial districts, in manner and form following, to wit: Saint-Mary's, Charles and Prince-George's counties, shall be the first district; Cecil, Kent, Queen-Anne's and Talbot counties, shall be the second district; Calvert, Anne-Arundel and Montgomery counties, shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district; Frederick, Washington and Allegany counties, shall be the fifth district; Baltimore and Harford counties, shall be the sixth district; and there shall be appointed, for each of the said judicial districts, three persons of integrity and sound legal knowledge, residents of the state of Maryland, who shall, previous to and during their acting as judges, reside in the district for which they shall respectively be appointed, one of whom shall be styled in the commission Chief Judge, and the other two Associate Judges, of the district for which they shall be appointed; and the chief judge, together with the two associate judges, shall compose the county courts in each respective district; and each judge shall hold his commission during good behaviour, removable for misbehaviour on conviction in a court of law, or shall 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; and the county courts, so as aforesaid established, shall have, hold and exercise, in the several counties of this state, all and every the powers, authorities and jurisdictions, which the county courts of this state now have, use and exercise, and which shall be hereafter prescribed by law; and the said county courts established by this act shall respectively hold their sessions in the several counties at such times and places as the legislature shall direct and appoint, and the salaries of the said judges shall not be diminished during the period of their continuance in office.

II. **And be it enacted,** That in any suit or action at law hereafter to be commenced or instituted in any county court of this state, the judges thereof, upon suggestion, in writing, by either of the parties thereto, supported by affidavit, or other proper evidence, that a fair and impartial trial cannot be had in the county court of the county where such suit or action is depending, shall and may order and direct the record of their proceedings in such suit or action to be transmitted to the judges of any county court within the district for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein; provided nevertheless, that such suggestion shall be made as aforesaid before or during the term in which the issue or issues may be joined in said suit or action; and provided also, that such further remedy may be provided by law in the premises as the legislature shall from time to time direct and enact.

III. **And be it enacted,** That if any party presented or indicted in any of the county courts of this state, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial trial cannot be had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such adjoining county court shall hear and determine the same in the same manner as if such prosecution had been originally instituted therein; provided, that such further and other remedy may be provided by law in the premises as the legislature may direct and enact.

IV. **And be it enacted,** That if the attorney-general, or the prosecutor for the state, shall suggest, in writing, 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 judges of any adjoining county court for trial, and the judges of such county court shall hear and determine the same as if such prosecution had been originally instituted therein.

V. **And be it enacted,** That there shall be a court of appeals, and the same shall be composed of the chief judges of the several judicial districts of the state, which said court of appeals shall hold, use and exercise, all and singular the powers, authorities and jurisdictions, heretofore held, used and exercised, by the court of appeals of this state, and also the appellate jurisdiction heretofore used and exercised by the general court; and the said court of appeals hereby established shall sit on the western and eastern shores for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint, and any three of the said judges of the court of appeals shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court, shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behaviour, removable only for misbehaviour on conviction in a court of law; and in case of death, resignation, disqualification, or removal out of the state, or from their respective shores, of either of the said clerks in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect, shall be recorded in the office of the court of appeals of the western shore.

VI. **And be it enacted,** That all and every part of the constitution and form of government which relates to the court of appeals and the general court, or the judges thereof, or that is in any manner repugnant to, or inconsistent with, the provisions of this act, be and the same is hereby repealed, abrogated and annulled, upon the confirmation hereof; provided, that nothing herein contained shall be construed so as to authorize the removal of the clerks of the respective county courts, being in commission at the time of the passing of this act, in any other mode or manner than that prescribed by the constitution and form of government.

VII. **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 to the contrary notwithstanding.

NOTICE.

THE partnership of GEORGE & JOHN BARBER and Co. commencing the 9th of July, 1803, dissolved this day by mutual consent; all persons indebted to said firm are requested to come forward and settle their accounts, and all persons having claims against said partnership are requested to present them for payment to the subscribers, who are authorized to settle the same.

They offer for sale their stock of goods, being a general assortment of GROCERIES, &c. The terms will be made known on application.

There are a number of articles in their possession, which came from Baltimore in the packets, (the owners of which are unknown) to wit: Four trunks, a bag of sailor's cloaths, a small bundle of cloaths, marked C R, one barrel of sugar, one barrel of porter, a bar of iron, and a small parcel of china, marked A M T. The owners of the above-mentioned articles are requested to come forward and pay the charges thereon, on or before the 4th day of July next, otherwise they will be sold for that purpose.

GEORGE and JOHN BARBER.

May 11, 1805.

TO RENT,

THE TAVERN and FERRY, at *Havre-de-Grace*, where JOHN H. BARNEY formerly lived, generally known by the name of the *Lower Ferry*. To a person who is accustomed to managing a ferry the rent will be made very low. For terms apply to the subscriber, at *Havre-de-Grace*.

WILLIAM B. STOKES.

May 9, 1805.

NOTICE.

THE subscriber once more earnestly and respectfully calls on all persons indebted to him for payments of their respective balances, which, though small in themselves, are, in the aggregate, of great importance to him, and which imperious circumstances render absolutely necessary to enable him to discharge his own engagements, and to support his family. Delinquents must excuse him should he take compulsory measures, which, he assures them, will be resorted to, though with reluctance.

Those gentlemen who subscribed to him for *The Life of Washington*, and have not yet taken their first and second volumes, are requested to call or send for them. The third volume is expected in a few days.

Frederick Green.

Annapolis, May, 1805.

Farmers Bank.

NOTICE is hereby given, that BOOKS will be opened at the county town in every county in the State of Maryland, for the purpose of receiving subscriptions to the Farmers Bank of Maryland, on Tuesday, the 16th of July next, and continue open on Wednesday the 17th, agreeably to law, if the shares are not all taken on the first day.

May 13, 1805.

NOTICE.

THE subscriber having obtained from the orphans court of Anne-Arundel county letters testamentary on the estate of MARGARET HALL, late of said county, deceased. All persons having claims against said estate are requested to exhibit the same, properly authenticated, and those indebted are desired to make immediate payment, to

ALLEN B. DUCKETT, Executor.

May 21, 1805.

By virtue of a writ of *venditioni exponas* to me directed out of Anne-Arundel county court, at the suit of Johonott and Small, will be EXPOSED to PUBLIC SALE, on the premises of James Goven Howard, on the 5th of June next, the following property, to wit:

ONE negro boy, horses, and household furniture. The terms will be for cash.

HENRY HOWARD, Late Sheriff.

April 20, 1805.

In Anne-Arundel County Court,

APRIL TERM, 1805.

ON application to the justices of the said county court, by petition, in writing, of David Hopkins, of said county, praying the benefit of the act for the relief of sundry insolvent debtors, passed at November session, eighteen hundred and four, on the terms mentioned in the said act, a schedule of his property, and a list of his creditors, on oath, as far as he can ascertain them, as directed by the said act, being annexed to his petition; and the said county court being satisfied, by competent testimony, that the said David Hopkins has resided, the two preceding years prior to the passage of said act, within the state of Maryland; and the said David Hopkins, at the time of presenting his petition as aforesaid, having produced to the said court the assent, in writing, of so many of his creditors as have due to them the amount of two thirds of the debts due by him at the time of passing the said act.—It is therefore adjudged and ordered by the said court, that the said David Hopkins, by causing a copy of this order to be inserted in the Maryland Gazette and Baltimore Telegraphic, once a week, for six successive weeks, before the 24th day of July next, give notice to his creditors to appear before the said county court, at the court-house of Anne-Arundel county, at 10 o'clock in the forenoon of the said 24th day of July next, for the purpose of recommending a trustee for their benefit, on the said David Hopkins then and there taking the oath, by the said act prescribed, for delivering up his property.

Signed by order,

NICH: HARWOOD, Clk.
A. A. County Court.

April 16, 1805.

Furniture for Sale.

I WILL dispose of a variety of very valuable HOUSEHOLD & KITCHEN FURNITURE, and will hire or sell several good house servants.

R. B. LATIMER.

Annapolis, April 24, 1805.