

SUPPLEMENT

TO THE

MARYLAND GAZETTE.

THURSDAY, JUNE 13, 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, Telegraph, 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 six 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 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.

Public Sale.

Will be SOLD, at PUBLIC SALE, on Tuesday the 16th day of July, at Mr. JOHN GWINN'S tavern, in the city of Annapolis, if not sold before at private sale, of which due notice will be given,

THAT well improved and valuable farm called STEPNEY, late the residence of general John H. Stone, containing eight hundred and thirty-five acres of level fertile land, lying on South river, within three miles of the city of Annapolis. A full description of the improvements and advantages of this beautiful farm are too tedious to enumerate; for collection, variety, and quantity of excellent fruit, it excels any estate in Maryland. Accommodating terms will be held out to a good purchaser or purchasers, and an indisputable title given by the subscriber, on the payment of the money. For further information apply to Mr. S. Sparrow, Queen-Anne, Robert C. Stone, Esquire, in Annapolis, or at West river, to EDWARD HALL.

May 21, 1805. 2

This is to give notice,

THAT the subscriber, of Anne-Arundel county, hath obtained from the orphans court of Anne-Arundel county, in Maryland, letters testamentary on the personal estate of FRANCIS SIMPSON, late of Anne-Arundel county, deceased. All persons having claims against the deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the seventh day of November next, they may otherwise by law be excluded from all benefit of said estate. Given under my hand, this 7th day of May, 1805.

3 THOMASON SIMPSON, Executrix.

A SALE.

The subscribers, agreeably to an order of the orphans court of Anne-Arundel county, will EXPOSE to SALE, on Saturday the 15th day of June next, if fair, if not, the first fair day thereafter, (Sunday excepted) at the late dwelling of CEPHAS CHILDS, deceased,

NEGROES, and some stock of horses and cattle, together with a number of articles too tedious to enumerate. The above property will be sold on a credit of three months for all sums above twenty dollars, with interest from the day of sale. The sale to commence at 11 o'clock.

MARTHA P. CHILDS, } Administrators
CHARLES DRURY, }

May 27, 1805. 3X

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 Telegraph, 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.

4 April 16, 1805.

Anne-Arundel County Court,

APRIL TERM, 1805.

SINGLETON WARFIELD, an insolvent debtor of Anne-Arundel county, having applied, by petition, in writing, to Anne-Arundel county court, praying the benefit of an act for the benefit of insolvent debtors, passed at November session, eighteen hundred and four, and a schedule of his property, and a list of creditors, on oath, as by the said act is required, being annexed to his said petition; and the said Singleton Warfield being under an arrest upon mesne process for debts due before the passage of the said act, and having proved to the satisfaction of the said court that he had resided in the state of Maryland the two last years preceding the passage of the said act.—It is thereupon adjudged and ordered, that the said Singleton Warfield appear before the said court, at the court-house, in the city of Annapolis, on the twenty-fourth day of September next, then and there to produce to said court, the assent, in writing, of creditors holding two thirds of the amount of his debts, and to answer such interrogatories as may be proposed to him by his creditors, and that the said day be and it is hereby appointed the time for said creditors to appear and recommend a trustee for their benefit, and that the said Singleton Warfield give them notice of the passage of this order, by causing a copy of it to be inserted in the Maryland Gazette once in each of the next twelve successive weeks.

Signed by order,

NICH: HARWOOD, Clk.

A. A. County Court.

2 May 31, 1805.

A Public Sale.

Will be SOLD, at PUBLIC SALE, to the highest bidder, at 12 o'clock, on Thursday the 20th of June next, if fair, if not, the first fair day.

EIGHT or ten likely NEGROES, (most of whom are young, and several of them have been accustomed to wait in the house,) on a credit of six months, the purchaser giving bond, with approved security, on interest, from the date.

3X JOSEPH KENT, Administrator of DANIEL KENT.
Lower-Marlborough, May 30, 1805.