

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 Barrig's paper, at Frederick-town; Green's paper, at Hagar's-town; and in Smith's and Cowan's papers, at Easton.

By order, **SINIAN 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 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 sitting 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 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 affidavits, 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 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 here-

by 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.

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 Richard G. Hardesty, jun., 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.**
May 31, 1805. A. A. County Court.

List of Letters

Remaining in the Post-Office, Annapolis, June 30, 1805.

JOHN BRISON, David Bangs, rev. Mr. Bitouzey. Chloe Cook, Philip Curran, William Caton, jun. John W. H. Carroll (2). Thomas Duckett. Antonie Formige. John Gwinn, John Gibson (6). Frederick & Saml. Green, Richard Gray. Samuel H. Howard, John J. Hellen, Edward Hall, Dr. Haller (2), Samuel Hayward. George Jennet. Saml. Mole, William Bond Martin, John Munroe, George Mackubin, R. M'Conry, Thomas Moe, Hugh McGuire. Roger Perry, Charles Phillips. John Ragan, jun. John M. Sewell, Basil Spalding, William Smith, Alexander Stewart. Philip Thomas (2), Washington C. Tuck, John Teutle, Sarah Tood. Gideon White (2), Elizabeth Wood, Joseph Williams, Annapolis.

Widow Awkarks. John Brice Burgess, Rezin Baldwin. Samuel Elton. Solomon Groves, Benjamin Gaither. William Hammond, Thomas Hobbs, sen. Richard Harrison. Joseph Kinsey. John Lyons (2). Samuel Martin, Joseph Morley. Thomas Norris. Benjamin Owens. William Prout. James Redy, John T. Richardson. Jonathan Sellman. Greenbury Treakel, Philip W. Thomas, Anderson Warfield, Caleb Warfield, John Whitworth, Becky Willson, Anne-Arundel county.

John Beauchamp, Anemesslex. Adam Scott, Maryland.

S. GREEN, P. M.
None of the above letters will be delivered without the money.

By Anne-Arundel County Court,

APRIL TERM, 1805.

JOSHUA MARRIOTT, junior, an insolvent debtor of Anne-Arundel county, having applied by petition, in writing, to Anne-Arundel county court, praying the benefit of an act of assembly 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 Joshua Marriott, junior, being under an arrest upon mesne process and a capias at satisfaciendum 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 said act.—It is thereupon adjudged and ordered, that the said Joshua Marriott, junior, 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 Joshua Marriott, junior, 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.

May 31, 1805.

Prince-George's County Court,

APRIL TERM, April 15, 1805.

RICHARD G. HARDESTY, an insolvent debtor of Prince-George's county, having applied by petition, in writing, to this court, praying the benefit of an act of assembly passed at the last session of the general assembly of Maryland, entitled, "An Act for the relief of sundry insolvent debtors," and a schedule of his property with a list of his creditors on oath, as by the said act is required, being annexed to his petition, and the said Richard G. Hardesty, having proved to the satisfaction of the court, that he resided within the state of Maryland the two preceding years prior to the passage of the said act, and being committed by the court into the custody of the sheriff of Prince-George's county for a debt due and owing before the passage of the said act, and having upon giving bond and security agreeably to said act, to appear before this court, on the first Tuesday in September next, been discharged from custody. It is thereupon adjudged and ordered by the court here, that the said Richard G. Hardesty, appear before this court, at the court-house in Upper-Marlborough town, on the first Tuesday in September next, then and there to produce to the 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, 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 the said Richard G. Hardesty is hereby directed to give notice to his creditors, of his application, by causing a copy of this order to be inserted eight weeks successively in the Maryland Gazette, previous to the next term.

True copy, **JOHN READ MAGRUDER, jr. clk.**

Public Sale.

Will be EXPOSED to PUBLIC SALE, on Friday the 26th of July, at Mr. EDWARD HALL'S quarter, where Mr. Ezekiel Phelps's lately resided, at 12 o'clock, for cash,

TWO negro lads, Dick and Jack, taken as the property of Martha and Edward Hall, to satisfy sundry officers fees.

HENRY HOWARD, Late Sheriff.
June 25, 1805.

Notice is hereby given,

THAT application will be made to the justices of Anne-Arundel county court, at September term next, for a commission to mark and bound a tract of land called THE BEST SUCCESS, lying in Saint-Margaret's Westminster parish, in the county aforesaid, agreeably to act of assembly in such case made and provided.

HENRY H. DORSEY,
HENRY EVANS.
July 1, 1805.

This is to give notice,

THAT the subscriber, of Anne-Arundel county, in the state of Maryland, hath obtained from the orphans court of Anne-Arundel county, in Maryland, letters testamentary on the personal estate of ROGER DITTY, 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 twenty-eighth day of November next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this 28th day of May, 1805.

SAMUEL JACOB, Executor.

ANNAPOLIS:
Printed by FREDERICK and SAMUEL GREEN.