

C H A P. V.

An ACT for trial of all matters of fact, in the several counties where they have arisen; or shall arise.

This act was made for three years, &c. It expired at the end of the term.

It empowered the governor to appoint any two justices of the provincial court, on each side of the bay, to be justices of assize, *nisi prius*, *oyer* and *terminer* and gaol delivery; any one, or both of them, had authority to hold court, at stated periods, twice a year, in each county within their district, for the trial of all facts arising in that county; but in cases where justice to them appeared to require the trial out of the county, the trial might be had in any other county which he might appoint.

Fifty freeholders were to be summoned, ten days before the assize should begin in each county, to serve as grand and petit jurors. There were to be the same regulations respecting them as in the provincial court, except the allowance for the services. And for trials at bar, in the provincial court, the sheriff of Anne-Arundel was to summon 24 good and lawful men *de circumstantibus*.

This act contained regulations respecting the sending of records, and respecting pleadings and speedy trials. It moreover empowered the justices to make further regulations, agreeable to the laws of England and of this province, and to enforce them by reasonable, discretionary fines. All sheriffs, bailiffs, and other officers and persons, were commanded to yield obedience to all process, warrants and precepts, that should be issued by, or returnable to the said justices.

Whenever, upon trial, either of the parties should require it, this court was commanded to allow and even to direct a special verdict. It was likewise to allow and sign bills of exception tendered by persons under criminal prosecution. In cases of this kind, no judgment could be rendered until the provincial court had determined on the exception. And whenever, upon a general verdict, a justice should express doubts respecting the judgment, the case was to be referred to the provincial court, which was to consider and give judgment thereon.

The jurisdiction of county courts was in no case taken away; on the contrary, that the assize court might not be prevented, by a multiplicity of petty business, from deciding on matters not determinable elsewhere, the jurisdiction of the county courts was rendered exclusive, as to all felonies, trespasses, and other evil deeds, already triable before them, except affrays, and other offences committed in view of the justices of assize, during their sitting. There was, however, a saving to the party of the benefit of writs of removal from the county, to the provincial or to the assize court.

Each justice of assize, was allowed, for every circuit, the quantity of 7,000lb. of tobacco, to be paid in the county of his residence, in the same manner as public levies.

This act, likewise, repealed the act of 1715, ch. 37, so far as that act related to the summoning of jurors to attend the provincial court.

C H A P. VI.

A Supplementary ACT to the act, entitled, An act for the speedy trial of criminals, and ascertaining their punishment in the county courts, when prosecuted there, and for payment of fees due from criminal persons.

FOR preventing all doubts for the future, Be it enacted and declared, by the right honourable the lord proprietor, by and with the advice and consent of his lordship's governor, and the upper and lower houses of assembly, and the authority of the same, That all legal fees which have arisen, and are not already otherwise paid and allowed, or which shall hereafter arise on the prosecution of any negro, or other slave, in any county court, whether such slave be convicted or acquitted, shall be chargeable to, and paid by the respective county where such prosecution shall be had, and assessed in the county levy of such county.

Fees for slaves to be paid by the respective counties.

C H A P. VII.

An ACT for reviving and continuing of actions and process in several of the courts of law within this province.

Viz. In the court of appeals, held the third Tuesday in February last, until the court to be held on the third Tuesday in October; and in the courts of St. Mary's, Charles, Anne-Arundel, Calvert, Baltimore, Prince-George's, Kent, Talbot, and Dorchester counties, held in November or March last, until the next June court.

All writs of replevin, and attachment, returnable to November or March, which have been executed, shall be returned to June.

The criminal business, depending in Baltimore county in November or March last, is likewise revived and continued to June. And every *nonpros* and discontinuance, and every judgment entered in the absence of attorneys, in Frederick county, is done away. There is, however, an exception of the cases of abatement by death; and no bail, in any civil case, in any of the said counties, where the principal has absconded or removed from the county since the first day of November last, and no sureties for the appearance of persons prosecuted in Baltimore November or March court, on whose recognizance no default was then entered, are to be affected by this act.

The time from August 1, 1765, to June 1, 1766, inclusive, is not to be reckoned as part of the time limited for bringing actions, or issuing executions. And any person shall take advantage of this act without a special replication.

Lastly, a discretionary power is given to the courts, to continue until August next, such actions hereby revived, as without this act could not be continued beyond June next.