

612) Examined

An Act for the Trial of all matters of Fact in the several Counties where they have Arisen or shall Arise the Continuance of Causes in the Provincial Court and Adjournment of that Court

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Whereas the Trial of facts in the Neighbourhood where they Arise is the greatest Security of the Lives Liberties fortunes and Estates of the Subjects most agreeable to the British Constitution and a very great ease to all persons concerned and that the Jurisdiction of Business in the Provincial Court renders the Decision of Causes there without very great Delay and Expence Inconvenient Be it therefore Enacted by the Right Honourable the Lord Proprietor by and with the Advice and Consent of his Lordships Governour and the Upper and Lower houses of Assembly and the Authority of the same that two Justices of the Provincial Court on each Side of the Bay such as the Governour for the time being shall think fit to Appoint shall be Justices of Assize Nisi Prius, and Justices of Oyer and Terminer and Goal Delivery and that the said two Justices or either of them in case of Sickness or Other Inability shall and may at the respective times in this Act mentioned together with such of the Justices of the Peace as they shall think fit to Associate with them in the several Counties not exceeding three in any County hear and try all matters of Fact in all Actions Real personal and Mischief and all Actions popular for the breach of any Law that is now depending or that shall be Committed in the Provincial Court in the several Counties where the facts have Arisen or shall Arise, And not less where Except in any Special case where it shall appear that Justice cannot in all probability be so Equally Administered to the parties as of the Trial should be Appointed in some other Place as fully and Amply as any Justices of Assize and Nisi Prius in England used or by Law ought or may try hear and Determine And that all Treasons Murders Felonies and other Crimes Offences and Misdemeanours of what Nature or Quality soever that have been or by Law might be Tryed in Provincial Court shall be heard Tryed and Determined by the said Justices in the several Counties where they shall be Committed as fully and Amply as the said Offences or any of them might have been Tryed heard and Determined by the Provincial Court or any Court of Oyer and Terminer and Goal Delivery according to the Law of England and this Province Provided always that Nothing in this Act shall be Construed to Deprive the County Courts of any Jurisdiction they have And that they may hear and Determine all matters and things within their Cognizance as they have heretofore Done any thing in this Act to the contrary notwithstanding And Be it Enacted that two of the Provincial Justices to be Appointed as aforesaid on the Western Shore or One of them in case of the Others Sickness or Inability together with such of the Justices of the Peace as they shall think fit to Associate with them not exceeding three shall meet and hold their Courts at Baltimore County Court house the first Tuesdays following these shall meet and hold their Courts at Annapolis for Anne Arundell County the Mondays after the in April and September yearly, At Annapolis for Queen Anne's County the Mondays after the said first Tuesdays, At Calvert County Court house the Fridays after the second Tuesdays of the said Months At St Marys County Court house the Wednesdays after the third Tuesdays in the said Months and at Charles County Court house the Monday after the third Tuesdays in the said Months and at Prince Georges County Court house the Fridays following and that two of the Provincial Justices on the Eastern Shore to be Appointed as aforesaid or One of them in case the Other shall be Sick or Incapable to Attend together with such of the Justices of the Peace as they shall think fit to Associate with them not exceeding three shall meet and hold their Courts at Somerset County Court