

An Act for the Tryal of all Matters of Fact, in the several Counties where they have arisen, or shall arise.

Preamble.

WHEREAS, the Tryal 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 Increase of Business in the Provincial Court, renders the Decision of Causes there, without very great Delay and Expence, impracticable.

Two Provincial Justices, on each Side of the Bay, to hear and determine all Matters of Fact, &c. in the several Counties.

*Be it therefore Enacted by the Right Honourable the Lord Proprietary, 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 Two Justices of the Provincial Court, on each Side of the Bay (such as the Governor or Commander in Chief, 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 Sicknels or other Inability), shall and may, at the respective Times in this Act mentioned, hear and try all Matters of Fact, in all Actions real, personal, and mixt, and all Actions popular, for the Breach of any Law, that is now depending, or that shall be commenced in the Provincial Court, in the several Counties where the Facts have arisen or shall arise, and not elsewhere; except in any special Cases, where it shall appear that Justice cannot in all Probability be so equally administered to the Parties as if Tryal should be appointed in some other Place, as fully and amply as any Justices of Assizes and Nisi prius in England used, or by Law ought, or may try, hear, and determine; and that all Treasons, Murthers, Felonies, and other Crimes, Offences, and Misdemeanours, of what Nature or Quality soever, that have been, or by Law might be tried in the Provincial Court, shall be heard, tried, and determined by the said Justices in the several Counties where they shall be committed, and not elsewhere, as fully and amply as the said Offences, or any of them, might have been tried, heard, and determined by the Provincial Court, or any Court of Oyer and Terminer, and Goal-Delivery, according to the Laws of England and this Province. *Provided always*, That nothing in this Act shall be construed to divest the County-Courts of any Jurisdiction they have, and that they may hear and determine all Matters and Things within their Cognizances, as they have heretofore done; any Thing in this Act to the contrary notwithstanding.*

Times and Places, when and where the Assizes are to be held

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 other's Sicknels or Inability, shall meet and hold their Courts, at *Baltimore* County Court-House, the Monday before the first Tuesday in *April* and *September* Yearly; at *Annapolis*, for *Anne-Arundel* County, the Fridays after the said first Tuesdays; at *Calvert* County Court-House,