

1793.

L A W S of M A R Y L A N D.

C H A P.
LXIX.

court, to wit, on the second Tuesday in the month of August, in the year seventeen hundred and ninety-five, all causes, process and proceedings, relative to the trial of all felonies, and other crimes, offences, misdemeanors, and all proceedings whatever, then depending in Baltimore county criminal court, shall be heard, tried and determined, before Baltimore county and city criminal court; and the said criminal court shall have the same powers of adjudging criminals to labour, and extending their time of service, and the same jurisdiction respecting them in every other respect, as now are or shall by the legislature of this state be vested in the county courts, and shall have and enjoy all other powers and jurisdictions heretofore had and exercised by the criminal court of Baltimore county; provided always, that the appointment of recorder, and his two associates, shall be approved of by the governor and council, before they shall hold a court: The times of holding the said court shall be on the second Tuesday in the months of January, March and August, and on the third Tuesday of November, of every year, unless altered by the common-council: The recorder alone, or in his absence his two associates, commissioned as aforesaid, shall have power to call and hold the said court, and any one of the said associates may adjourn the same from day to day, empanel and charge the grand jury, direct process to issue on any presentment or indictment found in the said court, order subpoenas to issue for witnesses, or attachments of contempt to issue against witnesses or jurors for non-attendance, and receive any verdict, presentment or indictment: The sheriff of Baltimore county, for the time being, shall summon forty-eight good and lawful men of his county, qualified by law to serve as jurymen in the county courts, six days before the day appointed for the holding of the said court, as grand and petit jurors, and shall return a pannel of them accordingly; and if the said sheriff shall neglect to summon and make such return, he shall, for every such neglect, be fined by the court, not exceeding three hundred dollars: All recognizances for felonies, and other crimes, offences and misdemeanors, committed within the jurisdiction of the said criminal court, shall be returned from time to time by the mayor, the recorder, or any alderman or justice of the peace of the said county, taking such recognizance, before the court aforesaid; and the mayor, recorder, or any alderman or justice, taking such recognizance, shall lodge the same with the clerk of the said court, on the day next before the day appointed for the holding of the said court; and the offenders and witnesses bound in such recognizance shall be obliged to appear by virtue, and according to the conditions thereof: If any security in any recognizance shall require to surrender up the principal, it shall be lawful for the recorder, or any of his associates, to accept such surrender in or out of court, and he shall thereupon require and take other recognizance, or commit the principal to Baltimore county gaol, until he gives such security as the law requires: The expences of the aforesaid criminal court, the allowance for constables, and expences attending all criminals sentenced to labour, shall be assessed by the said court on Baltimore county, collected with the county assessment, and paid by the collector to such person as may be appointed by the common-council to receive the same, but that part of the said expences so to be assessed and paid, which includes the salary of the chief judge, and the allowance for the constables, shall not exceed their present establishment; that is to say, the annual sum of one thousand and sixty dollars and two thirds of a dollar; and the common-council shall cause annually to be published, a separate statement of the money thus received and expended on the aforesaid objects: The aforesaid criminal court shall direct the application and kind of labour of all criminals sentenced to hard labour: The mayor, or any alderman, shall have full power to order any person whom he may suspect of being a vagrant, vagabond, or disorderly person, or common prostitute, to appear before the recorder and any two of the said aldermen, and such order shall be served by any constable; and if, on the appearance of such person, and examination by testimony, the said recorder and aldermen shall unanimously determine such person to come within any of the said descriptions, they may adjudge such person to serve and labour as a criminal according to the present criminal law, if a male, as a male criminal, if a female, as a female criminal, for any time not exceeding one year, unless good security be given, to their satisfaction, for the good behaviour of such person for any time not exceeding one year thereafter; and every person who has no visible means