

C H A P.
LVIII.

city, and not particularly directed by law to be tried in the general court, shall be tried, heard and determined, before the said three persons, or any two or more of them, in court sitting; and each of the said persons shall be and is hereby constituted a justice of the peace, and shall have jurisdiction as such within the said county and city in all criminal cases, during the time he shall be in commission; and in case of death, resignation, or removal out of the said county, of any of the said associate justices, a new commission shall issue to fill up the place of the person who shall die, resign, or remove out of the said county; and no indictment found before the said justices shall be removed to the general court at the instance of the party prosecuted, without the leave of the said justices, or the special order of the general court, or some one of the judges thereof.

Causes, &c. to
be heard, &c.

II. AND BE IT ENACTED, That on the commencement of this act, all causes, pleas, process and proceedings, relative to the trial of all felonies, and other crimes, offences and misdemeanors whatever, depending in Baltimore city court, and Baltimore county court, at the expiration of the act, entitled, An act respecting the criminal business of the city and county of Baltimore, passed at November session, seventeen hundred and ninety-eight, shall be heard, tried and determined, before the justices appointed and commissioned in virtue of this act.

Times for hold-
ing courts, &c.

III. AND BE IT ENACTED, That the times of holding the courts by the said justices shall be expressed in their commission; and the said courts, during the continuance of this act, shall be held on the second Monday in January, on the first Monday in March and August, and on the third Monday of November, of every year; and the clerk of Baltimore county court for the time being shall be the clerk of the said court, and shall make all entries, and transact all the business of the said court, in the same manner as he is now by law obliged to transact the business of the county court of the said county, and the Baltimore city court.

One justice may
call court, &c.

IV. AND BE IT ENACTED, That any one of the said justices shall have power to call and hold the said courts, and to adjourn the same from day to day, and one of the said justices, in court sitting, may empanel and charge the grand jury, and direct process to issue on any presentment or indictment found in the said court, or on any petition or complaint exhibited to the said court, and he may direct subpoenas to issue for witnesses to attend the said court, or attachments of contempt to issue against witnesses or jurors for non-attendance, and he may direct any witnesses to be sworn to the grand jury, and receive any presentment or indictment from the grand jury, and take recognizances for the appearance of witnesses, or any person presented or indicted, and he may commit any person presented or indicted for want of security; and any two of the said justices may adjourn the said court to any time they may think proper.

Jurors to be
summoned, &c.

V. AND BE IT ENACTED, That the sheriff of the said county for the time being shall summon forty-eight good and lawful men of his county, 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 every person who shall be summoned, and shall neglect or refuse to appear at the day, and make default, shall be fined by the said justices not exceeding ten pounds current money, to be applied as aforesaid; and every grand and petit juror shall have an allowance of one dollar and thirty-three cents for every day's attendance, to be assessed and collected with the county assessment.

Commitments,
&c. to be re-
turned, &c.

VI. AND BE IT ENACTED, That all commitments and recognizances for all felonies, and other crimes, offences and misdemeanors, committed in the said county, and triable in virtue of this act before the said justices, shall be returned from time to time by any justice of the peace of the said county taking such recognizance, before the justices aforesaid, and any 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 condition thereof.

Fine on wit-
nesses for de-
fault, &c.

VII. AND BE IT ENACTED, That any person summoned as a witness to attend the said court, and making default, shall be fined by the justices aforesaid, in their discretion, not exceeding ten pounds current money, to be applied as aforesaid, and on default of any witness, the said justices may award process of attachment, and by virtue thereof the sheriff of the said county shall be obliged to have the body of such witness, and may compel his attendance, before the same justices.

Their allow-
ance, &c.

VIII. AND BE IT ENACTED, That it shall and may be lawful for the said justices to allow to every person legally summoned to give evidence before them one dollar for every day's attendance, and if such witness resides out of the said county, the said justices may allow him for so many days itinerant