

L A W S

O F

MARYLAND,

M A D E S I N C E

M, D C C, L X I I I,

C O N S I S T I N G O F

A C T S O F A S S E M B L Y

U N D E R T H E

P R O P R I E T A R Y G O V E R N M E N T,

RESOLVES of CONVENTION, the DECLARATION of RIGHTS, the CONSTITUTION and FORM of GOVERNMENT, the ARTICLES of CONFEDERATION, And,

A C T S O F A S S E M B L Y

S I N C E T H E

R E V O L U T I O N.

“ It is necessary for a Senator to be thoroughly acquainted with the Constitution. This is a Knowledge of the most extensive Nature; a Matter of Science, of Diligence, of Reflection.”

CICERO DE LEGIBUS.

“ As distant as Heaven from Earth is the true Spirit of Equality from the Spirit of extreme Equality.—The natural Place of Virtue is near to Liberty; but it is not nearer to excessive Liberty, than it is to Slavery.”

MONTESQ. SPIRIT OF LAWS.

“ The Precepts of all good Laws are simply these—Live honestly, injure Nobody, render to every Man his Due.”

JUSTIN. INST.

A N N A P O L I S:

PRINTED BY FREDERICK GREEN, PRINTER TO THE STATE.

MDCCLXXXVII.

INTRODUCTION.

At the session which began in November, 1784, the following resolve was assented to by both branches of the legislature:

RESOLVED, That Mr. Frederick Green, printer to this state, be directed to collect and print, in one or more volumes, one hundred copies of all the acts of assembly (now in force) passed since the twenty-sixth of November, seventeen hundred and sixty-three, to the end of this session of assembly, under the direction of Alexander C. Hanson and Samuel Chase, Esquires, with the bill of rights, and constitution and form of government, the confederation, and the resolutions of the conventions, and the proceedings of the convention that framed the constitution, at the public expence, and subject to the disposal of the general assembly; and that the intendant of the revenue be directed to advance Mr. Green such a sum of money as he may think proper, to assist him in the execution of the work.

ALTHOUGH the superintendence of the following publication was committed to two persons, the gentleman, whose superior talents might have enabled him to render complete satisfaction, did not think proper to share in the undertaking. It required more time and application, than could be spared from more interesting and important engagements.

THE person, therefore, who may be styled the editor, was left to form his own construction of the resolve, and to obey it in the best manner his abilities would admit. He directed to be printed at large all subsisting public acts of assembly, the operation of which was not already past; the proceedings of the last convention, so far as in any manner they respect the declaration of rights, and the constitution and form of government; the subsisting resolves of convention, and the articles of confederation. The order in which all these are disposed, is such as to him and the printer appeared most convenient. He has given only abstracts of the public acts which, notwithstanding they may be termed perpetual laws, have spent their operation; and abstracts also of all acts relating to parishes, schools, and small societies or bodies of men. He has likewise given the substance of every temporary law which contained provisions remarkable enough to merit a particular notice. Of the rest he has inserted only the titles, with here and there a short historical note.

IN framing the index, he did not imitate the plan of his respectable predecessor; because no index ought to be relied on for the substance of the act it refers to. He thought it sufficient to point out the act itself; and for that purpose he has adopted such heads as will probably occur to those conversant in laws; and he has even sometimes placed the same thing under several different heads.

As he was fully apprized of the difficulty of adapting an index to every man's taste and turn of mind, he was particularly attentive to that part of his undertaking. He might indeed have declined it altogether; but, without it, his performance would have been deplorably defective, and the most diligent inquirer might be baffled in his researches after some of the laws comprehended in this collection. With respect to the propriety of making the title correspond with each enacting clause, it may suffice to mention the following circumstance. The editor had been told, that a chancery jurisdiction was conferred on the general court in all cases where the chancellor is to be made a party to a bill in equity. He made several fruitless searches for the law, and at length, in the progress of this revision, he found it most unaccountably inserted in the middle of an act relating to the estates of deceased persons.

IT is the office of an index to remedy the inconvenience of defective titles, and, at one view, to point out every provision belonging to each particular head. It is hoped the index at the end of this volume will answer these purposes. But unless our legislators will condescend to adopt the hint, or avail themselves of their own better wisdom, the same inconvenience will speedily recur.

C H A P. VI.

An ACT to enable the trustees of the poor in Frederick county to sell the houses and ground therein mentioned.

Any three or more of the said trustees are empowered to sell, at public vendue, the dwelling-house and the outhouses, and as much ground, not exceeding half an acre, as, in their judgment, may be spared without injury to the poor-house lot. The money arising from the sale they must apply to the discharge of debts already or hereafter to be contracted.

C H A P. VII.

An ACT to ascertain and establish a divisional line between Anne-Arundel and Calvert counties.

WHEREAS the line of division between Anne-Arundel and Calvert counties is not well ascertained, by means whereof inconveniencies have arisen, and in particular, divers persons, living near the borders of those counties; have not contributed any thing towards the public expences; Preamble

II. Be it therefore enacted, That for fixing and ascertaining the said divisional line, the following persons be and are hereby authorized and empowered to act as commissioners, viz. For Anne-Arundel county, Mr. John Weems, and Mr. Richard Green; for Calvert county, Mr. Edward Gantt, and Mr. William Lyles; which said commissioners, or the major part of them, shall and are hereby authorized and required to meet at some place near the borders of said counties, and call before them, by summons to be issued by them, and directed to the sheriff of the county, all persons who may be deemed proper to give testimony concerning the antient and reputed division of said counties; and the said commissioners, or the major part of them, are also hereby empowered to search the records of the general court, or any county court, for testimonials, to ascertain the division line aforesaid, and shall be allowed at the rate of fifteen shillings each, per day, for their expences, and may also appoint a clerk, who shall have the same allowance for his attendance; and all witnesses attending the said commissioners shall be allowed the same as witnesses attending the county courts; the said expences, and all other charges accruing in consequence of this act, to be paid by the said counties of Anne-Arundel and Calvert, in proportion to the assessment of property in those counties respectively; and the said commissioners, or the major part of them, shall and they are hereby required to return their proceedings, together with the proofs whereon the same may be founded, to the next general assembly, for their approbation, and that the same division, if found reasonable, may be there ratified and confirmed. Commissioners to ascertain the divisional line, &c.

C H A P. VIII.

An ACT for recruiting the quota of troops of this state in the American army, and furnishing them with cloathing and other necessaries.

Each county is charged with its quota of 2,000 men, to serve three years in the Maryland line. The governor and council are required to appoint recruiting officers in each county, in the proportion of not more than one officer to 20 recruits. This officer is to be furnished with money, and to be allowed sixteen dollars for each recruit who shall pass muster before the lieutenant; and each of these officers who shall deliver 20 such recruits before the 20th of January next, shall have a bounty of 100 acres of land within three years from the 1st of February next, to be hereafter procured within the state, and laid out, under the directions of the legislature, to him or his representative. There is also promised a bounty of 50 acres for recruiting 20 men before the 1st of March. The like allowance in money is to be made for recruiting men to the recruiting officers sent from the army. Every effective recruit is to receive, besides the continental allowances, a bounty of forty dollars, a pair of shoes, a pair of stockings; and at the expiration of his term, provided he shall not desert from the army, 50 acres of land, to be procured and laid off as aforesaid, to him or his representative. He shall likewise have the privilege of choosing any regiment or company not already full; to be exempt from all taxes whilst on duty, and for four years afterwards; (this exemption is extended to the soldiers already in service) he may likewise be pardoned, at the discretion of the executive, for any crime already committed; and further, if he shall have a family which may need assistance during his absence, it shall be afforded, at the discretion of his county court, which is authorized for that purpose to draw on the treasurer of his shire.

And to carry on the recruiting service, the governor and the council are empowered to draw on the sheriffs for any money collected under the assessment laws.