

CHAPTER XXVII.

AN ACT LIMITING THE PRESENTMENTS OF THE GRAND JURY.

For the prevention of unnecessary presentments and charges to the inhabitants of this province and territories:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That from henceforth, nothing which may be determined by justices of the peace according to law, shall be presentable by any the grand juries of this province and territories, nor shall any indictment for trespass hereafter lie where the plaintiff may have his remedy against the defendant by the laws of this government, any law, usage or custom to be contrary thereof in anywise notwithstanding.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly passed January 12, 1705-6, Chapter 129.

CHAPTER XXVIII.

AN ACT TO ASCERTAIN THE NUMBER OF MEMBERS OF ASSEMBLY AND TO REGULATE THE ELECTIONS.

For the prevention of all dispute and uncertainty for the future, what persons shall be accounted freeman of this province and territories, and have right of electing or being elected members of assembly:

[Section I.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met, and by the authority of the same, That there shall be four persons elected yearly in each respective county of this province and territories to serve as members of assembly. And that no inhabitant of

this province and territories shall have right of electing or being elected as aforesaid, unless he or they be natural or native-born subject or subjects of England, or be naturalized in England or in this province and territories, and unless such person or persons as aforesaid be of the age of twenty-one years or upwards, and be a freeholder or freeholders of this province or territories, and have fifty acres of land or more well seated and twelve acres thereof or more cleared and improved, or be otherwise worth fifty pounds lawful money of this government clear estate, and have been resident therein for the space of two years before such election.

And to the end that elections, on which the good of the government so much depends, may not be corruptly managed or obtained:

[Section II.] It is enacted by the authority aforesaid, That all elections of the said representatives shall be free and voluntary, and that the elector that shall receive any reward or gift for his vote shall forfeit his right of electing for that year and be fined in the sum of five pounds to the use of the proprietary and governor. And that all and every person and persons that shall give, offer or promise any reward to be elected, or that shall offer to serve for nothing or less allowance than the law prescribes, shall be fined in the like sum of five pounds for the use aforesaid, and be incapable of serving for that year. And the representatives so chosen as above directed, shall yield their attendance accordingly, and being in assembly shall be the sole judges of the regularity or irregularity of the elections of the respective members according to this act. And if any person or persons so chosen to serve as aforesaid, shall be willfully absent from the service he or they are elected unto every such person or persons shall be fined in the sum of twenty pounds to the use aforesaid, unless his or their excuse shall be allowed by the assembly. And in case any person or persons so chosen as aforesaid, shall die in the meantime, or be rendered incapable, then and in such case it shall be lawful for the proprietary and governor, and his successors, and his or their lieutenant and governor for the time being, after knowledge thereof, to issue his or

their writ or writs to the sheriffs of the respective counties for which the said person or persons were chosen, immediately to summon the freemen of the same, to elect another member or members in the room and stead of such absent, deceased or incapable person or persons, and to return the same, duly executed.

And for the prevention of all just exceptions or complaints for want of due notice of elections:

[Section III.] Be it enacted by the authority aforesaid, That publication of all and every writ or writs for elections as aforesaid, shall be made by the several sheriffs of this province and territories in their respective counties, or by some others by them severally appointed to read the same in the capital town or most public place within their respective bailiwicks, between the hours of ten in the morning and two in the afternoon, with an advertisement posted upon some tree or house, in the way leading from every hundred or precinct to the said capital towns or places respectively, and also upon the court-houses and public fixed meeting houses for religious worship in the said respective counties, with all convenient speed after he receives the writ; and also give notice thereof, to every constable of the several hundreds and townships, which constables are required to promulgate the same, under the penalty of five pounds each, for each offense; and in case any sheriff shall be deficient therein, he shall be fined in the sum of fifty pounds for each offense. And in case any sheriff shall misbehave himself in the management of the aforesaid elections, he shall be punished accordingly at the discretion of the governor and council for the time being.

[Section IV.] And be it further enacted by the authority aforesaid, That every member chosen or to be chosen by the freemen as aforesaid, to serve in assembly, shall be allowed the sum of six shillings by the day, and the speaker ten shillings per day, during his and their attendance on the service thereof; and that every member of assembly shall be allowed towards his traveling charges after the rate of three pence for each mile both going

to and coming from the place where the assembly is or shall be held.

[Section V.] An be it further enacted by the authority aforesaid, That all laws hereafter to be made in this province and territories shall be fairly engrossed in rolls of paper or parchment before the final passing thereof.

Passed November 27, 1700; repealed by the Queen in Council, February 7, 1705-6. See Appendix I, Section II, and the Act of Assembly passed January 12, 1705-6, Chapter 137.

CHAPTER XXIX.

THE LAW ABOUT ATTACHMENTS.

Whereas there is a necessity for a law in relation to foreign attachments, and that the laws of this government have hitherto been deficient in that respect, and that debts due to the inhabitants of this province and territories from foreigners abroad, could not here be recovered against the said foreigners by attaching of their goods, if the said foreigners were absent or did not appear, because of the aforesaid defect: to the end therefore that for the future the like inconveniency may be redressed:

[Section L.] Be it enacted by the Proprietary and Governor, by and with the advice and consent of the freemen of this Province and Territories in General Assembly met [and by the authority of the same], That the justices of the respective county courts within this province and territories, shall and are hereby empowered to grant writs of attachment, which attachments so granted shall be duly served by the respective sheriffs or coroners, as the case requires, upon the lands and tenements, goods and chattels of such person or persons against whom the same shall be awarded, in whose hands or possession the same may be found; returnable to the next succeeding court respectively, where the party may proceed to trial, and shall have judgment granted the third court after the effects are seized.