

settlement, civil suits where not more than three thousand pounds of tobacco, equivalent to about £20 sterling, was involved, although later in the colonial period this limit was raised. Felonies and other serious criminal offences punishable by death or maiming, or civil suits involving upwards of three thousand pounds of tobacco, went at once to the Provincial Court for trial. Cases in the county courts might be tried and adjudged by the commissioners themselves, or before a jury. Although the county courts were limited to civil suits involving not over 3,000 pounds of tobacco, the Provincial Court at first had concurrent jurisdiction with them even in this group of cases. The Provincial Court at its February 19, 1660/1, sessions, ordered, that to prevent "divers vexatious suits—for small causes" coming before it "no Suite shalbe originally commenced in the Prov^l Court for anything under the vallue of fifteene hundred Pounds Tob", and directed that thereafter such suits be brought in the county courts (*Arch. Md. xli*, 414). In 1676 an act was passed providing that suits for debt under this amount might be determined by two justices of a county court (*Arch. Md. ii*, 537-538).

Civil suits were ordinarily tried before the court, although either party to the suit, or the court itself, could demand a jury trial. In criminal cases in the provincial period the jury was the judge of the facts alone, unlike the present system in Maryland under which it is the judge of both the law and the facts. The use of juries in the county courts will be discussed at more length hereafter (pp. xviii-xxiv), as will the question of appeals (pp. xxiv-xxv).

The commissioners in addition to the judicial functions which they exercised, were also the administrators of the civil affairs of the county. They would appear to have fixed the public levy and county levy, and the amount of the poll tax. They arranged with the sheriff for holding the election for members of the Lower House, forming with him what was sometimes called a *court of election*. They authorized public expenditures such as the transportation and maintenance of the members of the Lower House at St. Mary's City; the pay of soldiers for service against the Indians; the salaries of ferry-keepers; the care of the poor, the sick, and those of unsound mind, any of whom they might exempt from the payment of the poll-tax; they provided for the payment of bounties on wolves and wildcats; and fixed sundry other minor local expenditures. They had the legal custody of orphans, the selection of guardians, and the binding out of orphan apprentices. They fixed the term of servitude and determined the age of servants who entered the Province without indentures. They appointed constables (p. xlii), surveyors of highways or road supervisors, ferry-keepers, and the keepers of the county standards of weights and measures. After 1661 they submitted three names to the Governor from which the sheriff was selected (p. xxxix-xl), although at times during the civil wars the court seems to have selected the sheriffs directly. They licensed ordinary keepers. They designated routes for highways and paths, requiring the county taxables to furnish labor upon them. The part which the county court played in the selection of its clerks is discussed later (pp. xxxviii-xxxix).

Appointments of justices to office were usually effected by the issuance of a new commission which included not only the names of those that the Governor