

but twelve members (*Arch. Md. iv*, 237, 240, 241, 260, 447). In the county courts, and apparently sometimes in the Provincial Court, down through the fifties the usual method of presentment in criminal cases appears not to have been by indictment by a grand jury, but by "information" or "presentment" to the court by a justice, a constable, or a sheriff. The explanation for the infrequent impanelling of grand juries in the county courts in these early days was doubtless the cost of the procedure. There seems to have been no Maryland law requiring the regular convening of grand juries until 1666.

It would appear that in criminal cases brought before the Provincial Court the cost of a grand jury at first fell entirely upon the inhabitants of St. Mary's County, where this court usually held its sessions, for at the April 1662 session of the General Assembly a petition was presented asking that the charge thereafter be made "general" throughout the Province, so that all the costs might not fall upon this one county. The Upper House in an "answere" to this petition which it sent to the Lower House on April 11, 1662, declared that "Every County in the Province by the lawe of England now admitted ought and must Impannell a Grand Jury Quarterly to enquire soe that the charge is equall in all Countyes" (*Arch. Md. i*, 437-438), indicating that the county courts had been derelict in not carrying out the requirements of the "lawe of England", as apparently the Provincial Court occasionally had been. The records of the Provincial Court show that after 1662 those who composed the grand juries at St. Mary's were often summoned not only from that county but also from other counties by their respective sheriffs. These records indicate, however, that the county courts continued to ignore the "lawe of England" in this respect until 1666, when an act of the Assembly made regular meetings of the grand jury obligatory.

Legal provision for regular meetings of the grand jury in the counties is to be found hidden away in an "Act against hog-stealers", passed at the April-May 1666 session of the Assembly, which provided for "the better Execucōn of this and all other Good Lawes in this province" that every county court held half-yearly in March and November shall enquire by a grand jury of all offences committed against this and all other good laws of the Province, the respective sheriffs to impanel such juries of inquest, which shall examine all the constables for the discovery of offenders in the county, and that all presentments that concern life or member be returned by the county clerk to the next Provincial Court (*Arch. Md. ii*, 141-142). It is doubtless from this time that regular meetings of the grand juries in the counties date, but it would appear that these meetings were secret and no record kept of them, although in some seven cases spread in full on the record to be presently referred to, it is difficult to decide whether we are dealing with a petit jury, or a grand jury, or a jury functioning in both capacities (pp. xxi-xxiii).

The earliest definite reference in these county records to what is without question a grand jury, is to be found at the October 1662 session of the Charles County Court, where "the Jury of Inquest" of twelve members presented several offenders for swearing, bigamy, Sabbath-breaking, and hog-stealing (pp. 250-251). It is obvious that "the Jury of Inquest" in this instance was a