

and not the county court had jurisdiction. If the defendant refused, or was unable to make payment as ordered by the court, he was imprisoned by the sheriff until a settlement satisfactory to the creditor was made.

Many suits were thrown out by the court, a *nonsuit* being granted, with costs charged against the plaintiff. These costs included allowances to witnesses, fees to the attorney of the defendant who was the successful litigant, and jury expenses if there was a jury. Quite a number of suits were thrown out because they had not been entered within the two year time limit fixed under the act of 1666, for "the limitation of certain actions for avoiding suits at law" (*Arch. Md.* II; 201-202). The majority of the suits for debt were tried before the court, but in a considerable number the cases were tried before a jury. Reference to a petit jury might be made at the request of either the plaintiff, or the defendant, or by the court itself on its own initiative. Twenty-six jury trials are recorded in this volume.

There are recorded a few suits for *damages* for assault and battery and also for slander. References to some of the more interesting of these will be found elsewhere in this Introduction (p. xxiv-xxv). The index will serve as a key to various other types of civil actions which came before the court, but are not of sufficient interest to the general reader to be discussed here. Among them are a number of suits for wages in dispute. Disputes about land, especially land boundaries, were rather frequent. These will also be found discussed in another section of this Introduction (pp. xxxix-xlii). Suits for damages for killing or stealing hogs, cattle, or horses, are also discussed in a later section (pp. xxiii-xxv). These suits, especially those for the killing of ear-marked hogs running at large, had both civil and criminal aspects. Damages were payable to the owner, a fine to the Lord Proprietary, and a reward to the informer. It is of interest that down to the September, 1667, session of the court, suits for debt were for the amount of the debt alone and costs of suit, but beginning with this session and thereafter, damages in addition to the amount of the debt and costs, were nearly always asked, but rarely, if ever, granted by the court.

CRIMINAL JURISDICTIONS

The *criminal jurisdiction* of the county court was largely confined to breaches of the peace, and misdemeanors which did not involve loss of life or member as punishment, the more serious felonies going directly to the Provincial Court. The criminal entries for the period covered by this volume are so few and so defective, that one wonders whether there may not have been a separate record book kept for them which has in course of time been lost; but it seems more likely that this was due to carelessness on the part of the changing personnel in the clerk's office. Or perhaps it was due to the fact that fees were not paid to the clerk for entering the records of criminal cases in the court minutes, as was the case in civil suits. At only one court session are we specifically told that no criminal cases came before the court. At the March, 1667, court session there is an entry that the grand jury gave its "verdict That they found noe person worthy of Presentm^t for anie mindemean^{rs} ag^t th^e lawes of this Prov" (p. 62).