

GRAND JURY

A *grand jury* is mentioned at only six of the fifty-five recorded sessions of the court held during our period (pp. 62, 144, 356, 372, 439, 518). Under an act of Assembly passed in 1666, the county courts were required twice a year to have impanelled by the sheriff a grand jury to inquire into offenses against all the good laws of the Province (*Arch. Md.* II; 141-142). There is no reason to believe that the Charles County Court, or the sheriff, failed to comply with this act, as there were penalties provided for failure to do so. The fact that at only six of these sessions, over a nine year period, is there any notation that a grand jury had met, is certainly due to the carelessness and indifference of the clerk of the court to make such an entry in the minutes, for even had the grand jury met only twice a year, which is most unlikely, there must have been at least eighteen grand juries which met during this nine year period. The law does not stipulate the number of jurymen which constituted a grand jury. As a matter of fact, the number seemed to vary in an arbitrary way. At the January, 1671/2, and November, 1672, sessions, a grand jury of fifteen members was impanelled, while at the March, 1671/2, session, the grand jury was composed of nineteen members (pp. 356, 372, 439). At the November, 1668, court, four persons "summoned by the sheriff to fill th^e grand jury and not appearing" were fined (p. 144).

Not a single one of the *criminal cases* is recorded in which all the picturesque and often sordid details of the evidence are presented, as will be found in the earlier county court records printed in Volumes LIII and LIV of the *Archives*, as well as in the Provincial Court records. In some instances, however, details are found in civil suits for damages as the result of assaults, or for slanderous speeches charging hog-stealing, theft, etc. Occasionally the court required an individual to give bond that he keep the peace, or that he would prosecute some one accused of hog-stealing (p. 311).

HOG STEALING

Hog-stealing as a crime has been discussed by the editor at length in a previous volume of the *Archives*, so need not be enlarged upon here (*Arch. Md.* LII; xxxi). Hog-stealing, by which was usually meant the killing of ear-marked swine running at large which belonged to others, was looked on as a most serious offense. Only first offenders were ordinarily tried in the county courts; more flagrant or repeated offenders were sent up to the Provincial Court, the law providing even the death penalty for the third offense. Hog-stealing was not only a crime against the dignity of the Lord Proprietary and one to be severely punished, but, as has been said before, was a cause for a civil suit for damages against the offender by the owner of the hogs; and a reward to the informer was also allowed. These cases usually first came before the grand jury on information by a constable, this being followed by indictment by the grand jury. The trial that followed was usually before a petit jury, but might be tried before the court, as the accused elected.