

authority, except that the 10,000 pound limitation was removed following representations from the House of Delegates.² In the Blakiston commission the authority was altered to the holding of plea of oyer and terminer in actions of trespass against the form of any laws or statutes of England or the province, all actions of trespass *quare clausum fregit*, all actions of debt, detinue sur trover and replevin for any sum or sums of tobacco, money or account and all other personal actions of whatsoever nature and kind "land always Excepted and foreprised."³

By virtue of a 1692 Act the county courts in effect had exclusive jurisdiction in suits at law for small debts. This act provided that "no action for a book debt or plain bill for or under the sum of fifteen hundred pounds of Tobacco and Cask" was to be prosecuted or commenced against any inhabitant of the province in the Provincial Court, except upon appeal from the several county courts and in the case of attorneys suing for their fees. However, no attorney of the Provincial Court was to be allowed any privilege to bar suit against him in the county court of the county in which he lived. If any plaintiff should commence or prosecute any suit or plaint in the Provincial Court under the minimum amount, he was to be nonsuited and to pay such costs as such court usually granted.⁴

By statutes passed in 1694 and 1696 the county courts were deprived of jurisdiction to hold pleas or to hear, try or determine any action brought before them "either upon Bond, Bill Assumption reckoning or Account" wherein the demand made did not exceed the sum of 200 pounds of tobacco or 12 shillings sterling. Jurisdiction over such actions was vested in single justices of the peace. Apparently the recovery of small debts in the county courts by "due course of Law" was regarded as so expensive and inconvenient that creditors chose to forfeit their rights and debts rather than to sue for them. Conversely, it burdened debtors sued in such courts who, being indigent and frequently sued, paid three times more in costs than the amount of the original debt.⁵ However, this jurisdictional limitation was evaded by persons prosecuting "Suits of Contention rather than necessity" who demanded more than 200 pounds of tobacco but upon trial, in many cases, the just balance was under such amount. In order to prevent such evasion an additional June, 1697 act provided that in all actions commenced in any county court, wherein upon trial it appeared to the court that the just balance was under 200 pounds of tobacco or 16s., 8d. sterling, the plaintiff should be non-suited and no judgment was to be given in any county court for less than such sum.⁶ A July, 1699 act substantially reenacted the provisions of the 1696 act but, instead of referring to the amount of the demand made, referred to those actions "wherein the reall Debt or Damages" did not exceed 200 pounds of tobacco or 16s., 8d. in money.⁷

Common Law Actions

Prince Georges County Court entertained a substantial volume of common law actions in the period covered by the *Liber*. While this volume makes reference to almost nine hundred of such actions, many appear only fleetingly in dockets

2. *Infra* 186-87. Following the representation of the House of Delegates that the limitation was a "Great Grievance" to the province, the crown law officers, asked whether the commissions were limited by act of Assembly reported in the negative and further stated that the "former Custom was Variable Some times Enlarged and some times Contracted." It was thereupon ordered that "New Commissions issue out of the Secretary's Office to the Sevrall Counties of the Province without limiting them to any Summ." 23 *MA* 127.

3. *Infra* 519-20.

4. 13 *MA* 447; 22 *id.* 501.

5. 38 *id.* 25, 93.

6. 38 *id.* 100. See also 19 *id.* 559.

7. 22 *id.* 500.