

Hugh Ryley was summoned to answer the complaint of Mary Day, presumably a servant, at the August, 1697 court, but her petition was heard and "quasht." At the January 1697/8 court an entry appears of continuance until the next court of the negro Bently's petition against his master George Plowden but no action thereon by the justices is recorded. Upon the complaint of Mary Thought, apparently a servant, a *venire* issued at the September 1699 court for Deborah Keniston to answer, but no further entry appears.⁸

X. CRIMINAL PROCEDURE

Criminal procedure at the county level in the period under consideration centered around the institution of the grand jury. A 1692 act provided that every county court at the courts held half-yearly in March and November, or oftener as need should require at the discretion of the justices of each county, should by a grand jury inquire of all offenses against such act (which involved hog-stealing) and all other laws of the province. To this end the sheriff in each county as a matter of course was to impanel and return a jury of inquest made up of freeholders at such March and November courts, or oftener. All the constables as a matter of course were to appear at such half-yearly courts. The substance of this law was reiterated by a 1699 act which, however, omitted reference to the constables.¹

The same law contained an enigmatic reference to a former charge drawn up by the Chancellor of the province and sent to the county courts upon several articles upon which such courts should strictly examine the constables within their respective counties for the discovery of offenders and the due execution of justice. If this act is properly construed as a statutory injunction to continue the use of such charge, no evidence of its use in Prince Georges County appears for the 1696-99 period.² It should also be noted that by a 1696 act a certain letter, dated February 13, 1689/90, from the King to the Bishop of London, along with all the penal laws of the province made for punishment of vice, was to be read four times a year by the minister of each church and chapel in the colony.³

Several acts regulating ordinaries specifically provided that the commissioners of the respective county courts should give such acts in charge to their grand juries and to their respective constables to enquire into breaches of the acts and into all disorders committed in any ordinaries and to present the same, if any, to the courts to be examined and punished according to law.⁴

In connection with the supervision by the justices of orphans' estates, as we have seen, they were required by several statutes dealing with probate and administration to inquire at each June court by a jury of twelve (changed to not under twelve in 1699) whether the orphans were being maintained and educated according to their estates and whether orphan apprentices were being taught their trades or were turned to common labor. In connection therewith the justices were to cause the clerk of the court to present the jury with a list of the orphans and apprentices in their counties every June court. Under a 1692 act for the preservation of orphans' real estate the commissioners were directed to give in charge to the grand

8. *Infra* 211, 233, 295, 554.

1. 13 *MA* 477; 22 *id.* 511.

2. For some complaint urging regulation or ascertainment of a grand jury charge see 22 *id.* 66, 68 (charge to be drawn up by Philip Clark and William Taylard), 101, 135, 137, 170, 232.

3. 19 *id.* 419-20. *Cf.*, 19 *id.* 37.

4. 38 *id.* 44; 22 *id.* 518.