

pounds of tobacco for every hour of absence. It further ruled that after adjournment the orders of the court be reviewed by the members of the bench before they were permanently entered in the record by the clerk (*Arch. Md. liv*, 652).

Judgments of the county court were determined by a majority vote, individual justices occasionally recording dissent from the majority opinion. In the event of a tie, the opinion held by the presiding justice or "judge" was decisive. In the case of the runaway servant, Sarah Tayler, tried in 1659 in Kent County, Mr. Henry Morgan, one of the justices, "doth Judge th^t th^e sd Sarah shall be whipt", but in view of the thrashing her master and mistress had already given her "the rest of th^e Court doth Judge that her Former stripes were sufficient" (*Arch. Md. liv*, 168-169). In the case of Capt. Thomas Bradnox, a justice of Kent, tried December 1659 before his own court for drunkenness and profanity, the court divided as to the amount of his fine, the vote of the presiding justice, Robert Vaughan, being decisive (*Arch. Md. liv*, 178). In a civil case before this same court in 1668, two of the justices dissented from the majority. (*Arch. Md. liv*, 243).

The time of meeting of the courts in the several counties was fixed by successive acts of the Assembly, passed in 1640, 1642, 1647/8, 1669, and 1674. These sessions were staggered so that all the county courts might not be in session at the same time. In general it may be said that there were five or six sessions a year, of which one was to be an "Orphans' Court". (*Arch. Md. i*, 149, 185, 232; *ii*, 222, 397-398). Under the act of 1674 special sessions might also be held if due notice were given as provided for in the act.

The courts were usually held at the house of one of the justices or of some other county official, or occasionally at an inn or ordinary. The Kent County levy, entered at the March 1657 court session, shows an item of 1200 pounds of tobacco paid to "Mr. Hinson for 3 years keeping Court at his house" (*Arch. Md. liv*, 104). These records show, however, that a court house was in use in Kent in 1659, and that one was ordered to be built in Somerset in 1667 (*Arch. Md. liv*, 152, 154, 652). But we find in 1671 that the Kent court is again being held in private houses. It is possible that the court house was being used as the jail several times mentioned in the court records of this time (*Arch. Md. liv*, 306, 308, 321).

That grand juries, petit juries, coroner's juries and juries of women were all made use of is shown by the records of the county courts. An act passed by the Assembly in 1638/9, which failed to become a law, as did all acts passed at that session, because of a dispute between the Governor and the Assembly in regard to the respective right of each to initiate legislation, provided in criminal cases for presentment by the "grand enquest", to be composed of at least twelve jurymen (*Arch. Md. i*, 49). The first mention of a grand jury in Maryland is to be found in the Proceedings of the Provincial Court for February 12, 1637/8, when "the Sheriff returned for the grand enquest twenty foure free-men" whose names are given, and who brought in a true bill against certain followers of Claiborne (*Arch. Md. iv*, 21-22). Grand juries impanelled in the Provincial Court during the forties, however, seem invariably to have had