

always paid his own attorney the maximum fee; one suspects that he often did not.

There was so great carelessness and such lack of uniformity in the way the several clerks and deputy clerks entered and recorded both civil and criminal cases during the nine-year period covered by this record, that it is difficult to give figures as to their actual number and character. There were unquestionably numerous omissions. Certainly, much of human interest with which the earlier Charles County record, that for 1658-1665/6, was replete, is lacking in this volume. There is scarcely any mention of neighborhood brawls, or details of sex irregularities, that are so vividly described in the earlier records. It is only in an occasional damage suit for personal injuries, or for slander, that the human or personal side of community life is spread before us.

CIVIL SUITS

During this period the record shows that at least four hundred civil cases came up for trial before the court, and this in a county which had an estimated average population at the time of about eighteen hundred. This is an average of some forty-five civil suits a year, a rather large volume of litigation to have actually come before the court. But this figure does not tell fully the story of the litigiousness of the community. The number of writs or warrants issued for service by the sheriff is a better measure. There is a record of about seven hundred warrants served during the nine-year period, or nearly eighty a year. Many of those summoned to court as defendants by these writs never came up for trial as the cases were settled out of court. Some were "referred", or postponed, for hearing at the next court and were doubtless settled as they are not heard of again. Litigiousness, as measured by the number of sheriff's writs, is also deceptive, as some of these writs, perhaps a third, were served, not on defendants but on witnesses. If the number of plaintiffs is added, perhaps some nine hundred or more persons, about a hundred a year, either appeared before the court or had their cases settled out of court. In a number of instances, cases never came up in court because defendants had fled or had concealed themselves, and warrants could not be served by the sheriff; these writs were returned by him as "*non est inventus*." If, however, the absent defendant owned property in the county the court might hear the suit and order execution upon the defendant's property. It is probable that, for every three cases in which preliminary steps were taken for suit, not more than two actually came to trial.

Debt was by far the most frequent cause of civil litigation. Over ninety percent of all the cases which came before the court were for debt. Most of these debts were secured by a "bill of debt", the equivalent of a modern promissory note, and the judgment of the court in such cases was promptly given. It would appear that to protect themselves, executors and administrators of estates, before paying a debt about which there was the least question, preferred to secure an order of the court to make payment. The amounts sued for varied from a few pounds to two thousand nine hundred and ninety-nine pounds of tobacco. If the amount was three thousand pounds or more the Provincial