

Darnall of Calvert, Chandler of Charles, and Lowe of Talbot, and it happened again June 11, 1678 to Taillor of Dorchester, Chandler of Charles, Darnall of Calvert, Long of Baltimore, Marsh of Kent and Welsh of Anne Arundel (*post*, pp. 47, 436). For Darnall and for Chandler this was a second offence. The Governor remitted Darnall's fine the first time but not the second. Sheriff Taillor of Dorchester was still a justice of the court that imposed the fines, but he does not appear to have been present at the time.

Because there were no criminal cases that came up now, there were no grand juries summoned, but petit or petty juries (both terms are correct) were called to settle upwards of thirty civil cases. Whenever one party to a suit put himself upon the country and the other party likewise, the Court ordered the sheriff of St. Mary's County (it was always that sheriff who was called on) to cause to come here twelve &c. And when they came, they were "impanelled summoned & Sworne to say the truth", or sometimes "elected tryed & sworne . . ." Besides the trial juries there were other kinds. If the Court felt that damages should be recovered but did not know how high they should be, the sheriff of St. Mary's would be ordered to summon a jury "diligently to Enquire what damages" had been sustained, and the verdict of that jury was always followed by the Court, even when the jury said no damages at all. On October 9, 1677, after a lengthy trial in the Court of Chancery (*Archives* LI, pp. 488-496) the defendant was ordered to pay the complainant such charges and damages as he the complainant had sustained by reason of the failure of the defendant to perform an agreement. A jury of enquiry of damages was ordered summoned, to go into the question and "what upon the said Juryes verdict shall appeare to be due unto the said Comp<sup>l</sup> for Damages aforesaid the said Defend<sup>t</sup> . . . is to pay the same to him accordingly." The sheriff summoned the customary twelve good and lawful men of his bailiwick as he was commanded to do, and they, being sworn to say that the truth in the premisses "upon their Oaths do say that the said Thomas Sprigg [complainant] hath not sustained Any charges or damages by occasion of the premisses Therefore it is considered by the Court here that the said [defendant] Thomas Trueman goe thereof without day". The Court said damages: the jury said no damages, and the defendant went free (*post*, pp. 415-416).

Juries were often summoned in land cases. The Court directed the deputy surveyor of the county in which the disputed land lay to go upon it with the sheriff and twelve honest and legal men of the neighborhood, and to resurvey the property, that the Court, being fully informed, might do as to justice should appertain. After the resurvey, the deputy surveyor returned a plot and certificate, signed by all hands, and that was the end of the dispute. Either the defendant confessed judgment or the plaintiff refused to prosecute and was accordingly nonsuited. In only one case did the Court need to exercise its wisdom. In the case of Daniel Cuninghame & *ux.* v. Richard Edwards & *ux.*, after the making of the plot and certificate, the parties asked the judgment of the Court. The justices after study and examination, ordered that the parties hold their several tracts of land according to the certificate and plot and that each party bear his own charges (*post*, pp. 449-452).