

which they were members. In October 1678, "came Benjamin Rozer Esq<sup>r</sup> the Attorney of the said Dominick Bodkin & one of his Lordp<sup>ps</sup> Justices of this Court here p<sup>r</sup>sent in Court in his proper person . . . And saith nothing in barr of the action" (*post*, 32) of the plaintiff. A plea of nothing in bar is a perpetual destruction of the defendant's case, and is, in effect, a confession of guilt. So the justice-attorney was defending a guilty client.

The sheriff continued to be as important as he had been, much more important than he is today. Three members of the Court were sheriffs in their counties, and other sheriffs were well-paid and important. Benjamin Rozer, sheriff of Charles County from 1675 to 1678, was a member of the Council and hence a justice from 1671 for ten years. Henry Darnall was sheriff of Calvert County from 1674 to 1676 and again from 1677 to 1679: he was councillor and justice from 1679 for ten years. Vincent Lowe was sheriff of Talbot, councillor and justice and surveyor-general. Some of the sheriffs were also attorneys before the Court, though they were barred from taking cases that arose in their own counties (*Archives* II, 322-323). By 1678 complaints from all parts of the Province "of the great absurdities and abuses Comitted by severall Sheriffes" upon the inhabitants were so frequent and so frequent that the Assembly took action. By an act "for the elleccōn of Sherriffe" it was declared that "no Sheriffe or vndersheriffe of any County . . . shall Continue . . . in . . . office . . . for any longer or greater time than one whole yeare from the first time of his Entrance into such office . . . vnless that such sheriffe . . . shall procure from their respective County Courts a Certificate of his . . . Iust Execucōn of their offices the preceeding heare" (*Archives* VII, 68-69). When the sheriff was party to a suit, either personally or officially, the coroner took the action normally taken by the sheriff. When Sheriff Vincent Lowe of Talbot sued Thomas Vaughan, Coroner George Robins was ordered to arrest Vaughan, and to the writ he returned a *cepi*. "And the Defend<sup>t</sup> not appearing this Court, the said George is amerced forty shillings and ordered y<sup>t</sup> he have the body of the Defend<sup>t</sup> here att the next Provinciaall Court" (*post*, 30, 218, 226). This is exactly the treatment given a sheriff when the parties were private persons (*post*, 190). The sheriff was the custodian of persons, although he did not always have to keep them in prison. A few years back a prisoner in the custody of the sheriff of St. Mary's County petitioned the Court to transfer him to the custody of the Calvert County sheriff "he being there neere his businesse and that he may thereby Sell his goods to the best advantage", and another prisoner asked leave to remain in the custody of the Calvert County sheriff "by which means he may the Sooner be capable of Satisfieing the debt due" (*Archives* LXV, 471, 548). Generally the residence of the sheriff served as the County jail (*post*, 192-193). John Sanders was remanded to the sheriff of Charles County to be kept in safe custody, and Sheriff Chandler "had held and detained" Sanders at his dwelling (*ibid.*).

No grand juries were summoned at this time, for there were no criminal cases to be heard. Of civil cases, almost thirty were tried by petit juries. Sometimes the parties to a civil suit chose to be tried by the judges alone. The defendant put himself upon the judgment of the Court and the plaintiff also