

the Court and not to Returne again Dureing the time the said Charge is in giveing" (*post*, p. 290). In June 1683 the Court passed a rule intended to keep it better informed on the plans of all the attorneys practicing before it. Every attorney having cases before the Court was ordered to "enter their appearance for such defendant with the Clerke of this Court before the sitting of the Court the second day of every Court And that every Attorney of this Court that refuses to enter their apparance as aforesaid shall for his default therein pay unto his Lopp the Lord Proprietarij for a fyne the sume of One thousand pounds of tobacco . . . to his said Lopps use." (*post*, p. 455).

There were only fifteen men who practiced before the Court at this time, and, as usual, a few of them had most of the cases. Charles Boteler had twenty-four cases; Thomas Burford had forty-nine, and in addition, handled eight more for the Proprietary, for he was the attorney-general. Robert Carvile had a hundred and seventeen cases, Kenelm Cheseldyn, sixty-one, Robert Ridgely fifty-nine and so on down. Attorneys were paid a fee regulated by law (*Archives* II, 467-468), but when a man took the pauper's oath and asked to have counsel assigned him, this was done, and the attorneys, of course, got no fee. It may be noted that when this was done, the leading lawyers were assigned to these cases (*post*, pp. 289, 456). The paupers got the best legal talent in the Province.

#### JURIES

No grand juries were summoned in these proceedings, although casual references seem to say that they were held, and although by an act of 1674 every county had to summon one twice each year. Each man summoned had to bear his own expenses without charge to the county, and, to make this more tolerable, nobody could be summoned more than once a year (*Archives* II, p. 392). There must also be a semi-annual grand jury for the Provincial Court (*ibid.* 462). William Hill of Dorchester was summoned to the grand jury, but he was excused when another sheriff had a writ to be served against him (*post*, p. 105). The expenses of the Provincial grand jury were to be paid out of the general levy (*post*, p. 170). John Little, summoned to serve on the grand jury, refused to take the oath and was fined according to Act of Assembly (*Archives* II, 392, 462). Was Little perhaps a Quaker? William Chesheire, presented to the grand inquest on November 24, 1680 for hog stealing, was convicted. Since hog stealing was a most serious crime in the Province, he was severely penalized. He had to pay treble damages, to stand four hours in the pillory, to have his ears cropped and to be branded on the forehead with an *H*. Cheshire said all these charges were based on suborned testimony, so he sued the suborner, Thomas Carvile for three hundred pounds sterling. Carvile prayed and got a jury trial. On March 31, 1681, the jury came, and being elected tryed and Sworne to say the truth in the premises, said on their oath that Thomas Carvile was guilty. And they awarded Cheshire 20,000 pounds of tobacco. Carvile prayed and got an arrest of judgment. But, after the delay until the next session of the Court, Carvile came not but made default, and Cheshire was awarded the 20,000 pounds of tobacco with 6250 pounds more for costs (*post*, pp. 384-386).