

Trial juries, petty juries, petit juries or juries of life and death were summoned fifty times or more. The sheriff of each county was under obligation to summon three good and lawful men to serve on the jury for the Provincial Court, every time the Court sat, but three good and lawful citizens could be and often were of most limited intelligence and education. Not so many at this time were marksmen, though unless they had to sign something, the fact that they could not write their name might not come out. When they were summoned to appear, they were fined according to an Act of Assembly (*Archives I, 411-412*) if they did not show up. Of the four who did not appear and were thereupon fined, one man, Henry Smith of St. Mary's County, "happened to come after the Jury was called . . . and was fyned though he made his appearance and offered himself to serv before the Jury went from the barr". Upon his humble petition to his Lordship, to whom the fines went, he was relieved (*post, p. 346*).

Trial juries had to consist of twelve men, as they still do, but more than once in these sessions, juries of eleven or even of ten men were summoned, and the verdicts they rendered were accepted (*post, pp. 72, 160*). Even the careless Nicholas Painter could hardly have done this without at least the tacit support of the Court. There were also juries of the neighborhood: these were summoned when the case involved land. The county surveyor was ordered to survey the lines and the sheriff had to impanel a jury of twelve good and honest men of the neighborhood, who had to go onto the land and to summon and examine witnesses, so that the truth of the matter might be fully discovered. The twelve good and honest men were summoned eighteen times now. They did not always agree (*post, pp. 352, 354*). When they did not, another order of resurvey issued, and so on, until a unanimous verdict was had.

#### THE SHERIFF

The sheriff of the county was as important as English history shows him and vastly more important than he is now. He had to be a gentleman, as his underlings and many of the other provincial officers need not be. He was the executive officer of the county, but his duties before the Court took up most of his time and his energy. As always he served all writs, collected all taxes and had the paying out of all appropriations. He had the custody of all prisoners, though custody did not usually mean jailing. But if the sheriff told the Court or the county court that he had taken a man—or a woman—and could not produce him later when his case came up, he was fined to the Lord Proprietary. Sometimes he was only threatened with amerciamento. The sheriffs were wealthy and important, and often they were well aware of their importance. Major William Boareman, or Boarman, then sheriff of Saint Mary's County, "being called to attend the Court and not appearing by him self nor any of his Deputyes the same sheriffe is fyned to his Lopp the Lord Prop<sup>r</sup> the Sume of one thousand pounds of tobacco:". (*post, p. 172*). Another time, Sheriff William Smithson, of Dorchester County, refused to bring into court a defendant of whom he had the custody, and compounded his offense by giving uncivil language to the Court. For the disobedience and the discourtesy he was