matter of law and the jury of the fact, as in Coke upon Littleton, *ad questionem facti non respondent judices, ad questionem juris non respondent juratores.*

For these several reasons the appellant prayed that the judgment below be reversed, annulled, made void and set aside. The Provincial Court records show that on September 18, 1698, the justices having heard and fully understood the record and proceedings of the county court and the reasons of appeal, together with the arguments and pleadings of both sides, adjudged that the reasons of appeal were sufficient in law to set aside the judgment. Accordingly, the judgment below was reversed and set aside and defendant-appellant awarded 1148 pounds in costs and charges. Unfortunately, the Provincial Court entry does not pinpoint the exact grounds for the reversal.

Some opposition to interference by the Court of Chancery in common law proceedings manifested itself in the province. In September 1693 it was moved by a member of the House of Delegates that it was "a Grievance to the Subject and in Derogation of the Common Law for the Chancellor to grant an injunction or give a decree in any causes Contrary to the matter of fact found by a Jury and the Matter of Law adjudged by a Court of Common Law in this Province, Especially the Provinciall Court." Put to a vote it was carried in the affirmative *nemine contradicente.* [106]

In the House of Delegates in May 1697 it was presented as a grievance that many persons cast in the county courts in suits in which an appeal did not lie (under 1200 pounds of tobacco) "of a Litigious and vexatious humor when they cannot by common Law appeale as aforesaid do yet contentiously and vexatiously evade and supercede such Judgment by Injunctions out of the Chancery to the very great agrievance and vexation of many good people of this province." It was accordingly resolved that a bill be brought to stop injunctions in Chancery where the originall debt or demand did not exceed 1200 pounds of tobacco. [107] However, whatever conditions may have been in other counties, no instances appear in the *Liber* of injunctions issued out of Chancery after verdict or judgment. In *Martin* v. *Sporne* a pending cause was removed by injunction to the Court of Chancery. [108]

XII. CONCLUSION

Interest in and scrutiny of the judicial system of Maryland in the closing years of the seventeenth century has tended to focus upon the Court of Appeals and the Provincial Court. The role assumed by the several county courts has received little attention, particularly from the viewpoint of the legal as opposed to the social historian.

The present study of the workings of one county court for a period of three years admits of some conclusions. The main outline of such conclusions would not change, we believe, if a more extended study were undertaken of all the surviving county court records for the period 1695–1700.

The county courts played a significant part in the expeditious handling of actions arising *ex contractu* in the province, largely actions on bills obligatory or accounts not involving substantial amounts. On the criminal side these courts afforded speedy law enforcement in the case of minor offenses. As to administrative matters, the county courts were the focus of much activity, easily surpassing the

106. 19 *MA* 18–19.
107. 19 *id.* 559.
108. *Infra* 544