clerk of the indictments he was to take down the information of the complainant or informant under oath and present it to the court (or to one justice if out of court) for its approval before a presentment was exhibited to the grand jury. Failure to comply with this rule entailed the penalty of payment of all costs and damages incurred by any person presented and no true bill found. [12] No such screening process is evident from the *Liber* entries. In a few cases persons appearing pursuant to recognizance were cleared by proclamation when the complainant failed to prosecute.

In a number of cases presentments were made by a constable. [13] (It was not the practice in Prince Georges County to systematically include constables on the grand jury, as in some parts or courts of England. [14]) Such presentments were not made to the court but to the grand jury which re-presented the offender or found a true bill. Whether the constable, like other witnesses, went before the grand jury and whether he was sworn does not appear from the *Liber*. Presentments by constables were usually simple in form, as follows:

> I doe present James Boulton for denying his taxables. by William Mills Constable. [15]

In other cases the bill or presentment by the grand jury took the following form (endorsed *Billa Vera* on the back):

> Wee doe present Isaack Williams and William Willson for Killing a heifer by the information of John Browne Jr. and John Murth. [16]

In other instances a more elaborate form of presentment, drawn up by the clerk of the indictments, was used. The following is an example:

> Prince Georges County Ss.
> The Jurors of our Sovereigne Lord the King that now is for the body of Prince Georges County for his Said Majesty upon their oaths doe present Matthew Mackeboy of the County aforesaid planter for that the Said Matthew to witt att Charles Towne within the County aforesaid the 24th day of June 1696 did Sware divers prophane Oaths against the Laws of God and this province
>
> Bladen pro Rege[17]

A still more elaborate form, one derived from the form of indictment used in English practice, also drawn up by the clerk of the indictments, was employed at times, as in the case of the presentments of Hugh Riley and Joshua Hall for defaming one of the justices. [18]

12. *BCCP, Liber G, No. 1 (1693–96)*, 417. *Cf.* the instance in Charles County in which the court heard the witnesses and then sent them to the grand jury for its determination whether the matter was presentable. *CCCR, Liber V, No. 1*, 123–24. Dalton recognized that at quarter sessions "it may be very reasonable, if the matter be weighty or difficult, and the Jury be not very able, or the Prosecution be too slack or over violent, to hear the Evidence given in Court, that so the Jury may be the better assisted in doing their duty." *The Countrey Justice* 535.

13. For reference to presentments in the constable's oath see *supra* p. xliii.

14. See the discussion in Goebel and Naughton, *Law Enforcement in Colonial New York* 332–33 (1944) and Dalton, *The Countrey Justice* 534.

15. *Infra* 71.

16. *Infra* 71.

17. *Infra* 24.

18. *Infra* 256–57. In one Provincial Court case on error from Somerset County Court it was assigned as a ground of error that the record and presumably the presentment did not give defendant's mystery or occupation. See Kilty's comment on 1 Hen. V, c. 5. *Op. cit. supra*, 226. In another case it was held not material error that the indictment did not state the statute on which grounded. *PCJ, Liber WT, No. 3*, 332–38, 251–52. Kilty states that the first part of 37 Hen. VIII, c. 8 (An act that any indictment lacking these words, *vi et armis*, shall be good), corresponding with its title, was considered to have been always in force in the province. *Op. cit. supra*, 233.