

In those instances in which presentments or bills of indictment drawn up by the clerk of the indictments were employed, it seems probable, although not apparent from the *Liber*, that these "prepared bills" were drawn up in consultation with witnesses before being sent to the grand jury. Dalton in describing sessions practice states that, after all jurors are sworn, the recognizances are called "especially such as are to prosecute and give Evidence, that so Bills may be drawn and prepared." The bills being ready, "the parties bound over for that purpose are sworn to give Evidence upon the Bills," and then sent out with the jury.¹⁹ The fact that several bills were returned endorsed *ignoramus* indicates that they were not put "in form" after the grand jurors had voted. In the Provincial Court and in some counties entries are found that presentments were brought in and applications made to the court that the form might be amended "not altering substance."

The grand jurors after considering each presentment or bill would either find it or not find it, in the language of Dalton, "as the Evidence appears to them credible or sufficient, or otherwise."²⁰ Neither the *Liber* nor the laws of the province shed much light on the actual proceedings before the grand jury. On the back of each presentment or bill the foreman would endorse "Billa Vera" or "Ignoramus" or, in some cases, "presentment found by us the Grand Jury of Prince Georges County".²¹

After, in the words of the *Liber*, "some Small time" the grand jury would return with their presentments. In most cases the grand jurors found a true bill. When bills were returned endorsed *ignoramus*, they were usually marked "dismist" in the *Liber*; apparently it was not customary to clear or discharge by proclamation. The disposition of the presentment of Matthew Mockeboy for stealing goods and money upon which the grand jurors refused to return a true bill, has been noted earlier.

It was not until after the close of *Liber A* that the court ordered that when any indictment was brought down by a grand jury against any person, it should be delivered to the clerk of the court so that it might be entered in the minute books in order that a record might be made thereof before it was delivered to the clerk of the indictments. Later, the court also ordered that the clerk of the indictments have copies of all bills found by the grand jury and that such bills be filed by said clerk at least fourteen days before the next court after the bills of presentment were found so that copies might be had for purposes of defending.²²

Process and Trial

In the event a true bill was returned, the court in a number of instances ordered that a *venire facias* go forth for the offender to appear at the next court to answer. In other cases, the fact of issuance of a *venire facias* appears in the docket set forth in the *Liber* at the start of the next court but there is no court order entered for its issuance. (Usually the notation "summoned" appears in the margin indicating service by the sheriff.) In still other cases, it appears that a *venire facias* had already issued, presumably at the instance of the clerk of the indictments, returnable at the court at which the true bill was found. Lastly, following the return of a true bill the court might command the sheriff to bring the defendant before it—this entailed use of a *capias* or a bench warrant. Such an order might be made by the court prior to the presentment or an alleged offender might be compelled

19. *The Country Justice* 534.

20. *Id.* 534-35.

21. *Cf.* the use of the phrases "found presentable" or "worthy of presenting" by grand juries in Baltimore County Court. *BCCP, Liber G, No. 1*, 265-66, 476, 481.

22. *PGCJ, Liber B*, 108, 154a.