

of the Court. In one case, Thomas Chandler and William Russell, who had formerly sued each other (*post*, pp. 397, 401), were jointly sued by John Wells, a professional informer (*ibid.*, 218-222, 388, 564). Russell and Chandler then sued (*ibid.*, pp. 225, 243, 291, 319), but when the case came up for trial, they did not appear and the case was dismissed (*ibid.*, 319). On February 1, 1673/4, Wells's case against them resulted in judgments against them for 16,500 pounds of tobacco, with costs totalling 1148 pounds more (*ibid.*, 218-222). In the Upper House, to which the cases were taken by Chandler and Russell on writ of error, they assigned no errors, the writs were quashed and the decision stood (*Archives*, II, p. 432). Wells had been awarded his costs and that half of the penalty which an informer always got, but the defendants came to some kind of settlement out of court. On May 4, 1675, the case was settled by agreement (*post*, p. 564).

Another dispute, that of Raymond Staplefort *v.* John Balley, which had been in the courts for ten years, had a Provincial Court decision on April 18, 1674 (*post*, pp. 256-257). By it, execution was issued against Balley for £2000 sterling, for which Staplefort had obtained a judgment on February 9, 1668 (*Archives*, II, 364). The tenacious Balley, though he was in the custody of the sheriff, sued out a writ of error to the Upper House, on June 2, 1674, and when he proved to the satisfaction of that body what skulduggery Staplefort had practiced on him, he was given an annulment of judgment (*ibid.*, 381).

#### CRIMINAL CASES

For the two-year period from February 1670/1, the Provincial Court was concerned with criminal cases only, as the formula with which the sessions opened shows clearly. The Governor and the other members were "Justices assigned to Keepe the peace in the Province of Maryland aforesaid, moreover to heare and Determine diverse felony & transgressions and other misdemeano<sup>rs</sup> in the said Province perpetrated and Comitted" (*post*, p. 1). Included among the felonies and misdemeanors were murder, petty treason, burglary, theft, assault and battery, keeping an unlicensed ordinary and the altering of cattle marks, indeed a diverse lot. As is the case today, cases came before the court in one of three ways: by indictment, voted by the grand jury after the attorney general had laid the accusation before them; by presentment by the grand jury itself without any bill of indictment by the government; by information filed by some officer of the government without the intervention of the grand jury. All these methods were used in this period. Sometimes the clerk has given a complete and full account of the case, sometimes only a summary.

There were four cases of murder tried by the Court now, and one of petty treason, (the killing of a master by his servants, of a husband by his wife, or of a high ecclesiastic by one of his inferiors). The case of the Province against James Sall, John the Negro, Robert Warry, Robert Spear and Tony the Negro, all laborers, all servants to the late John Hawkins of Elk River, is set forth at length. Mr. Attorney General Lowe delivered the indictment for petty treason. The five of them "with certaine Axes of the vallue of forty pence which they . . . did severally hold in their hands and upon the foremaned Hawkins