

Court" and the "County Court," and this in a way to indicate that both terms were then in general use (Arch. Md. I, 147).

The inclusion in the old Liber B B, from which this volume of the Archives is in large part taken, of a number of recorded papers for the years 1663-1666, relating principally to a land dispute in St. Mary's County (pages 571-91), brings up the debated questions as to just when a separate county court for St. Mary's first came into existence, and after its establishment, as to what were the respective jurisdictions in local affairs of it and of the Provincial Court. It is broadly stated by writers on the early judicial system of Maryland, that for the first decade or more following the settlement there was no purely local court in St. Mary's, other than the manorial courts with limited and local jurisdictions and powers, the Provincial Court having general jurisdiction there, and that even after the St. Mary's County Court was established, the Provincial Court had full concurrent jurisdiction with it in minor matters, and exclusive jurisdiction in cases of greater moment. Whether a county court existed before 1644 may be problematical, but it is certain that one was in existence in that year, for on August 20, we find the Governor commissioning William Braithwaite as Commander of St. Mary's, to sit with Thomas Green and Cuthbert Fenwick as a court to try minor civil cases and criminal cases not involving loss of life or member (Arch. Md. III, 150-1). It is obvious from this that the Provincial Court had original jurisdiction in more important civil and criminal cases, but there is nothing to indicate whether or not the Provincial Court had concurrent jurisdiction with the county court in minor cases, or whether in these cases there was the right of appeal from the county court to the higher court. That there was an especially close connection between these two courts in St. Mary's down through the forties and into the fifties is certain, but owing to the loss of all the seventeenth century St. Mary's County Court records it is impossible to determine just how much independence the local court really had, as the only record of its acts are the entries to be found in the Provincial Court records of cases heard on appeal to it from the county court. That it was less independent of the Provincial Court than the other county courts of the period may have been in part due to the fact that it was more directly under the eye of the Governor and Council than were the other more distant county courts.

As further evidence of a close connection between the two courts at this early period we find the same men from time to time on both courts, but owing to the lack of anything like a complete record of the membership of the county court, it cannot be determined whether any sat on both courts at the same time, or how much overlapping occurred. Significant of their association is the announcement made at an adjournment of the Provincial Court in 1649, "The Court rising the Governor appointed the next Court for the County of St. Maries to be held at St. Maries the seventh day of January," suggesting that some of the same justices were then sitting on both courts (Arch. Md. IV, 533). It may well be that this subservience of the local county court to the higher court existed only during the height of the struggle in Maryland between Proprietary and Parliamentary parties, and that the Commonwealth Commis-