

than was required near the seat of provincial authority at the little capital at St. Mary's City. Here the Governor and Council, sitting as the General or Provincial Court, apparently at first heard local cases except those minor ones which might come before the Conservator of the Peace or before the manorial or hundreds courts of that county.

Whether a county court existed in St. Mary's before 1644 may be debatable, but it is certain that one with the usual powers was in existence in that year, for on August 26th the Governor commissioned William Braithwaite, Esquire, Commander of St. Mary's, with Thomas Green, gentleman, and Cuthbert Fenwick, gentleman, as Commissioners, to hear minor civil cases, and criminal cases not involving loss of life or member (*Arch. Md. iii*, 150-151), the same limitation of powers which extended to all county courts for several decades thereafter. It is generally stated that the local St. Mary's County Court possessed less independent powers than did the other county courts, and that the Provincial Court assumed concurrent jurisdiction with it in local matters. This may, or may not, be strictly true. It should be remembered, however, that at this period the Governor reserved the right to sit in with any county court, or to designate members of his Council to do so, and that this was more frequently exercised in the case of St. Mary's than in the more distant counties seems likely, but there are several instances to be found in these county records now presented where the Governor and members of the Council exercised this right in Charles, Kent, and Talbot counties. An examination of the St. Mary's County cases heard originally in the Provincial Court, and those which came before the Provincial Court on appeal from St. Mary's, does not seem to indicate that the cases involving residents of St. Mary's originating there, varied in character from those originating in other counties, although the loss of the local St. Mary's County Court records makes one hesitate to be too dogmatic on this point.

In addition to the Kent and St. Mary's local courts, both of which are known to have been functioning respectively as early as 1637 and 1644, local county courts came into existence elsewhere coincident with the establishment of the following counties: Anne Arundel 1650, Calvert 1654, Charles (new) 1658, Baltimore 1660, Talbot 1662, Somerset 1665, Dorchester 1668, Cecil 1674, Prince George's 1695, Queen Anne's 1707, Worcester 1742, Frederick 1748, Caroline 1773, and Harford 1773. Of these sixteen counties eleven date from the seventeenth century. The counties whose court proceedings have been selected for publication are the four possessing the earliest court records now known to be in existence. These are Kent (1637?) Charles (1658), Talbot (1662), and Somerset (1665), respectively the second, fifth, seventh and eighth in order of county organization. All the records of St. Mary's, Calvert, and Anne Arundel counties covering the seventeenth century, and in the case of the first two named, the eighteenth century records as well, have been burned, while the Baltimore County court proceedings before 1682, except those relating to land, are so fragmentary as to be negligible. Of the Dorchester County court proceedings for the seventeenth century practically nothing now remains. A detailed calendar of the existing court proceedings,