

## INTRODUCTION

THE number of judicial records left by the early Maryland colonists, and the amount of judicial business recorded in them, may surprise those who suppose that pioneers and frontiersmen in all times and places tend to become independent of the law. For it seems to be demonstrated that, removed as these people were from the environment of their civilization, and relaxed as that civilization must therefore have been, in some degree, they were nevertheless tenacious of regulation by law, and prone to litigation. They brought with them the valuation that the time placed upon written records, and the result is that in the public buildings of the state and its counties there are still stored accumulations of manuscript folios and papers, of a large sum total, in which the daily work of the several courts of justice from the time of the organization of the settlement is set down. Some of these records have already been printed and published. The Maryland Historical Society, acting as an agency of the state for the purpose, has printed and made accessible to students, in the *Archives of Maryland*,<sup>1</sup> four seventeenth century records of a central court of common law, the "provincial court," and it is engaged in reproducing others of that court, of a court of chancery, and of county courts of the province. But these constitute only a small fraction of the surviving records of even that one century, and the remainder, especially records of the county courts, must continue difficult of access for some years to come. As a consequence, studies of the early legal history of the province have thus far been restricted to a few sources of information, and can hardly be said to have penetrated far beyond beginning points and outlines. For prosecution of further study, the record here reproduced will be an especially helpful one, because it presents a view of proceedings in all the principal courts of the province, assize, county, provincial, and appellate, during a period of thirty years at the turn of the seventeenth century into the eighteenth.

It is a record of a court of final resort organized under royal authority, and under local statute of 1694,<sup>2</sup> shortly after a royal government had supplanted the original proprietary government upon a Protestant revolution following the Revolution in England. But the court had its roots farther

<sup>1</sup> The *Archives of Maryland* are reproductions of old records of the province and state, published serially. Fifty volumes have been issued, and the fifty-first is on the press.

<sup>2</sup> Chapter 18, *Archives*, XXXVIII, 6. Designations of early Maryland statutes by chapter numbers originated with Thomas Bacon, who in 1765 published a compilation of laws of Maryland to the year 1763. He printed at length only a limited number of the statutes, and most of the others of his period may be found in the *Archives*, as in this instance.