

V. COURT SESSIONS AND PERSONNEL

Prince Georges County Court apparently held its first sessions at the Anglican church (St. Paul's Parish) in Charles Town. Earlier the Governor and Council had recommended to the House of Burgesses "for a Law to be made that the Church at Mount Calvert be fitted to serve as well for a Court house as a Church." However, the matter was settled by an order of the House on October 18, 1695.¹ The November 1696 session found the court moving to David Small's storehouse since the church was too open to hold court in cold weather. (The levy set forth in the *Liber* at the November 1697 court reveals that the court had held sessions at the storehouses of both David Small and Thomas Holliday.) It was not until June 1698 that the justices sat in the "new court house."² A description of this court-house appears in the contract for its construction entered into on June 24, 1697 between the court, per Thomas Holliday, and Robert Brothers, carpenter. The court-house apparently was located on a three acre tract of land which had been ordered cleared of trees. The cage, stocks, pillory and whipping post were erected and in use long before the court-house was completed.³

Court Days

The 1692 act of Assembly which appointed court days in each county referred only to the several counties then in existence. It thus appears that there was no statutory regulation of court days in Prince Georges County until passage of another act with substantially the same title in March 1697/8. However, the text of this later act has not been found so that it remains uncertain which days were appointed by the Assembly as court days for Prince Georges County.⁴

From the *Liber* it appears that county courts were normally held in Prince Georges County the fourth Tuesday of January, March, June (for the Orphans); August, September and November. Usually these sessions lasted from two to four days. A few courts were held which did not conform to the pattern, some of which were termed "Special Courts." In only a few instances did the court have to adjourn for lack of a quorum or some undisclosed reason, as in September 1699. At the January 1698/9 session the court having accomplished little, apparently by reason of the "vehement Couldness of the weather", adjourned until the third Tuesday in February.⁵

The problems of a lack of quorum and of inability to finish the court's business on the statutorily appointed day were presumably solved by reference to the above 1692 act appointing court days which, in order to take care of the difficulty of obtaining a quorum in the winter, authorized any two or three commissioners, one of whom was "of the quorum," meeting at the time provided by law, to adjourn the court for such short time as seemed meet and further provided that no suit should abate for want of a full court but should continue until the next court held according to such adjournment. The commissioners, meeting on the day prescribed by statute, were also empowered to adjourn the court from day to day until such time as the business returnable or triable in the court was finished. Substantially the same provisions were probably carried over into the 1697/8 act referred to above.

1. *Infra* 6, 8; 20 *MA* 284; 19 *id.* 233-34.

2. *Infra* 59, 279, 346.

3. *Infra* 53, 208-09 (*cf.* 615), 248-49, 417. See also Radoff, *The County Courthouses and Records of Maryland: Part I: The Courthouses* 117-18 (1960). As to an addition see *infra* 541.

4. 13 *MA* 528; 38 *id.* 111.

5. *Infra* 168, 245, 375, 434, 435. The civil actions heard at the adjourned October 1699 court were given dates in the respective entries as if heard in September 1699 at the regularly appointed court.