

## PREFACE.

“For government, let it be in the hands of one, assisted with some Counsel; and let them have commission to exercise martial laws, with some limitation.”

This advice of Bacon's in his *Essay on Plantations*, was carried out in the Proprietary government of Maryland. Except on those few occasions when the Proprietary was present in person, his authority and rights were represented by a Lieutenant-General, or Governor, whose very ample commission gave him full executive powers in both peace and war, limited only by the law and his official oath. He was appointed by the Proprietary, and held office during his pleasure. The Governor was assisted by a Council, in like manner appointed, of which the members, in a few instances, were sent out from England, but for the most part were influential colonists, chosen at the Governor's recommendation.

The duties of these Councillors were various. As representatives, conjointly with the Governor, of the Proprietary, they had to keep an eye upon his rights and interests, to guard them against invasion, and to give him information of what went on in the Province. As an administration they advised the Governor, and assisted him in carrying out the laws, in the appointment of officers, the making of peace and war, and the like. As a Legislative body they formed the Upper House of Assembly, whose concurrence was necessary to all laws, in which capacity their caution and conservatism often proved a valuable check on the inconsiderateness of the less experienced Burgesses. Their distinct and separate existence as an Upper House, with an independent organization, dates from the restoration of the government to the Proprietary in 1658. With the Governor they had also a limited legislative power of their own, the charter empowering them, as the Proprietary's representatives, to pass ordinances, not affecting the life, liberty, or property of the freemen, without the assent of the Assembly. By virtue of this power they erected counties and hundreds, imposed embargoes, remodelled public offices, &c. They issued letters of denization to aliens, conferring civil, but not political rights, which latter required an act of naturalization by the Assembly. They also constituted the Provincial Court, of which the Governor, down to 1661, was ex-officio Chancellor, which dealt with the more weighty causes, and also sat as a court of appeal.

With these various functions of the Council, it may well be supposed that its records, at least in the earlier volumes, are quite miscellaneous in character. While it was engaged in the consideration of an ordinance, it would happen that a witness presented himself to make a deposition touching matters before the court; or a letter about Indian depredations was read; or a petition was handed in; or an administrator filed a bond; and the clerk entered the business in the journal just as it was taken up.