

LETTER OF TRANSMITTAL

BALTIMORE, *May 2, 1932.*

To the Maryland Historical Society:

GENTLEMEN:

This volume of the Archives of Maryland, which contains the Proceedings of the Provincial Court from 1663 to 1666 inclusive, is the fourth of the sub-series dealing with the activities of this court, and the forty-ninth of the general series of the Archives of Maryland.

It is the purpose of the Committee on Publications not only to continue to bring out the proceedings of the Provincial Court, which owing to their bulk is a slow process, but in the near future to begin the publication of the seventeenth century records of the Court of Chancery and of certain of the county courts of the Province. These together will be known as the Court Series of the Archives of Maryland, and in connection with the Decisions of the Court of Appeals from 1695 to 1729, which are shortly to appear under other auspices, will form as complete a picture of the entire judicial system of the Province as is possessed by any other colony.

It should be clearly understood that it is not the intention of the editor to attempt to give here a general history of the early judicial system of Maryland, which has been so well described by Bozman, Thomas, Steiner, Newbold, and Bond. This would seem to be a good opportunity, however, to consider in some detail a few obscure and unsettled questions regarding the evolution and development during the seventeenth century of certain of these courts, their jurisdictional relationship to each other as brought out by the study of this and previous volumes of the Archives, and to note the condition of the old record books from which our source material is derived. A definite opinion upon some of these mooted questions cannot be given at the present time—perhaps can never be given with absolute certainty—owing to the mid-century gaps in the records as a result of the struggle between king and parliament, from which Maryland suffered not a little. This re-study of some of these problems seems to have thrown additional light upon the early development of the Provincial Court and its peculiar relation to the St. Mary's County Court. It is hoped that, when the surviving early county court records finally appear in printed form, further light may be thrown upon other questions which are still puzzling.

Maryland is fortunate in that the records of the court exercising general jurisdiction in the Province during the colonial period have been so well preserved, although the same cannot be said of the seventeenth century records of the various county and manorial courts, which are quite fragmentary. The records of this court of general jurisdiction, known successively as the County Court, the Provincial Court, and the General Court, exist in an almost unbroken sequence from their beginning in 1637 to 1805, when the entire judicial system of the State underwent a complete change. These breaks are to be found prin-