

cipally in the years 1641, 1642, 1645, and 1646, when the Province was reflecting the civil disturbances in the mother country between the king and parliament.

The early history of the general court of the Province, which by 1640 had probably begun to be called the Provincial Court, and its evolution during the first three or four decades following the settlement in 1634, have not received the careful and detailed study which they deserve. This, the fourth volume of the Archives dealing with the proceedings of the court, brings us down to the year 1666, and to the close of the period when the history of the court is obscure. It therefore seems a good point at which to reëxamine the steps in its development and its confusing relations to the various county courts.

Although it is certain that as late as the year 1649, the General Assembly as a whole sat as a court of law, it did so only infrequently. There is no doubt, however, that from the settlement, justice was ordinarily administered by the Governor and Council, the latter body being identical in personnel with what was after 1649 known as the Upper House of the Assembly, and at all times more readily available as a body than the more cumbersome and larger General Assembly, composed of both the Upper and Lower houses. Furthermore under his charter the administration of justice was reserved to the Proprietary, and in his Governor and Council he possessed a body over which he had full control. So there can be little question that it was to confirm a custom already existent, as well as a warning of "hands off" to the freemen of the Province, that under date of April 15, 1637, Cecilius, Lord Baltimore, issued from London his commission, or letter of instruction, to Governor Leonard Calvert and his Council, formally empowering them, among other things, to try and determine all civil and criminal cases, although the letter does not designate the name by which such a court was to be known (Arch. Md. III, 53). It is probable that during the first three or four years following the settlement, when sitting in their judicial capacity, the Governor and Council were simply known as "The Court," but for this early period no record of their sessions, as such, exists.

It was at the close of the year 1637, however, that changes took place in the government of the Province which gave rise to certain changes in the administration of justice. Until this time the settlement on Kent Island had been governed entirely by the Provincial authorities sitting at the town of St. Mary's. On December 30, 1637, Captain John Evelyn was made Commander of the Isle of Kent and given authority to appoint six or more additional commissioners to hold court with him, with powers in civil cases not involving more than ten pounds sterling, and in criminal cases with powers similar to those exercised by justices of the peace in England sitting in their Court of Sessions (Arch. Md. III, 59). On January 24, 1638, we find for the first time St. Mary's referred to as a county, and John Lewger appointed Conservator of the Peace there, with powers apparently limited to those of a single justice of the peace in England (Arch. Md. III, 60). It will be noted, that although Kent Island was not given a county status at this time and is referred to simply as a hundred of St. Mary's County, justice in Kent, in all save cases of major importance, was to be administered locally. In St. Mary's County, however, except as regards the