

comparatively minor judicial functions exercised by the manorial or hundred courts, the court of the Governor and Council sitting there was to administer justice in all important local St. Mary's affairs, and was also to have original jurisdiction in Kent in civil cases involving more than ten pounds sterling, and in criminal cases involving loss of life or member.

Coincident with the establishment of a county form of government in St. Mary's, the general court of the Province came to be known as the County Court, and is thus called when it met there February 12, 1638 (Arch. Md. IV, 21). A year later at the February, 1639, session of the Assembly, there were introduced four bills, creating with clearly defined powers a County Court, a Chancery Court, an Admiralty Court and a Prætorial Court (Arch. Md. I, 47, 49, 46, 50). These bills, together with many others regulating in detail the Provincial government, failed of passage, doubtless because the Proprietary did not wish to have his powers limited by the Assembly in respect to his rights under the Charter. A general bill was allowed to pass, however, which confirmed in the Governor and Council among other things, general judicial powers in all civil, testamentary and criminal cases (Arch. Md. I, 83-4).

The court of general jurisdiction, known as the County Court after the organization early in 1638 of St. Mary's County, unquestionably lost this designation and became the Provincial Court sometime in the three year period between 1640 and 1642 inclusive, when Kent ceased to be a hundred of St. Mary's and was also given a county status. This organization of Kent as a county apparently took place in 1640. It is difficult to fix the exact date with certainty because the Provincial records for these three years, especially those of the Council, are very fragmentary. The first specific reference to Kent as a county is rather casual, when, July 18, 1642, burgesses representing Kent County were sworn in as such (Arch. Md. I, 129). There is strong evidence, however, from the wording of certain acts, that Kent had acquired a county status as early as 1640, for in an act passed at the October session of that year reference is made to the "commander of *every* county," at the August 1641 session an act was passed directing the sheriff of "*every* county" to perform certain duties, and again at the March, 1642, session an act refers to "*any* county of the Province" (Arch. Md. I, 97, 108, 123). While these laws may have been enacted merely in anticipation of the erection of other counties in addition to St. Mary's County, it seems more likely that St. Mary's and Kent were both fully organized counties when the act of October, 1640, was passed. With two counties in existence, to continue to call the general court the County Court would have been absurd, so the County Court became the Provincial Court, and the former name the designation of the courts of local and inferior jurisdiction in the several counties as they were organized, except that in the case of St. Mary's the Provincial Court, which usually sat there, for a few years remained the court of original jurisdiction for this county. The first specific use of the designation Provincial Court is to be found in an act introduced into the Assembly July 20, 1642, which became a law, entitled "An Act for Judges," in which a clear distinction is made between the "Provincial