

or minutes, of the courts, as well as the land and testamentary records of the several counties established before the Revolution, will be found in a series of articles by Louis Dow Scisco on the Colonial Records of the several Maryland counties, which appeared in the *Maryland Historical Magazine* between the years 1926 and 1930.

The proceedings, or minutes, of the four county courts under review in the two volumes of the Archives now published, vary widely in the form and the completeness with which they were kept by the several clerks. This depended not only upon the knowledge of legal procedure and legal form of the recording clerks, but also upon the knowledge of the local bench in these same matters, for in the case of Somerset County the court formulated a rule that the entries about to be made were to be examined and approved by the court itself before they were recorded by the clerk (*Arch. Md. liv, 652*). A side light upon the interest of the clerk, and for that matter of the bench itself, in the more human side of the suits and squabbles between neighbors, as well as in the salacious details of criminal prosecutions and slander suits involving sexual irresponsibility, is shown in the great variations exhibited by the several clerks in recording the details of the evidence. In a few instances the recording clerk also showed rare flashes of humor in the phraseology of his records. Of the four county court proceedings reproduced here, those of Charles County as kept by its several clerks, perhaps show a greater knowledge of legal procedure and legal form, both in the manner and the fullness with which the testimony is recorded, than is to be found in the other counties, making the court record of Charles an especially interesting human document. On the other hand, the minutes of the Kent County Court for the last decade or so, as presented here, make dreary reading indeed.

Although during the late thirties and the forties of the seventeenth century, a period for which no county court records have been preserved, there may have been slight differences between the court procedure and jurisdiction in the two then-existing counties St. Mary's and Kent, when the records begin about the middle of the century the procedure in the several county courts seems to have been practically identical in all.

The justices or commissioners as they are almost invariably called, were selected by the Governor from among the most prominent men of the several counties, and their powers were defined and limited in the commissions issued by him appointing them. They held office during his pleasure. The number varied, but was usually from six to ten, the commission reading that at least one of the first three or four named must be present in order that a court be held, these being designated as "of the quorum"; although court might be held without them if the Governor or a member of his council sat with those not of the quorum, who were later often called associate justices. The first one named was the presiding justice or "Judge". One of the Charles County clerks uses the title *quaesitor* as synonymous with justice (p. 59). The activities of these commissioners were two-fold—judicial and administrative. In their judicial capacity during our period they were empowered to try criminal cases not involving loss of life or member, and in the second decade after the