

## FOREWORD

seventeenth century. It is believed, however, that the time is now ripe for a more comprehensive and systematic program.

In view of this situation, a conference of historians and representative students of law was held at New York in January, 1930, under the auspices of the American Historical Association and as a result of the conference a committee was organized to formulate a program. This committee, representing the legal, as well as the historical, profession, agreed after extended discussion to inaugurate a series of volumes embodying hitherto unpublished sources for American legal history, each volume to include suitable editorial matter intended to clarify the text and to suggest its bearing upon the development of political, economic, and social, as well as strictly legal, institutions. For the initial volumes, it was decided to select judicial records of the eighteenth century—a period even more seriously neglected than the earlier colonial era—beginning with the proceedings of the Maryland Court of Appeals from 1695 to 1729. As will be explained in detail by the editor, who is also the present Chief Judge of the Court, we have here an unusually full and interesting record, containing much illustrative material supplementing the formal court entries. In short, this volume records the work, two hundred years ago, of a fully developed judicial tribunal applying the law of England, but also adapting that law to the needs of a new environment.

Responsibility for the inauguration of this series of *American Legal Records* has been assumed by the Executive Council of the American Historical Association, acting through its Committee on the Littleton-Griswold Fund. The income of that Fund, established by Mrs. Frank T. Griswold of Radnor, Pennsylvania, has been applied to meet the expenses of preparing manuscript, and of publication. By a happy coincidence, which came to light as the present volume was passing through the press, its editor has had the added satisfaction of renewing in this way an association of friendship, going back to college days, with one of those in whose memory the Littleton-Griswold Fund has been established. Thanks are also due to the officers of the Maryland Historical Society for their helpful coöperation.

For advice and sympathetic interest, the Committee is indebted to many members of the legal profession. It is a special pleasure to acknowledge here the encouragement, given at an early stage in the development of this project, by Mr. Justice Brandeis, of the Supreme Court of the United States.

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