

by fire. It is probable that these entries have some relation to the suit between Thomas Gerard and Marmaduke Snow about Saint Clement's manor, which occupied so much of the time of the Provincial Court at this period, and to which reference will be made later.

In at least one respect, however, there can be no question as to the concurrent jurisdiction of the Provincial Court and the county courts, and that is in the matter of recording deeds for land. It is certain that during the first three decades following the settlement, land was ordinarily transferred either by assignment on the back of the original patent, which then passed by hand from the seller to the purchaser, or by a separate writing, or by livery of seizin with turf and twig, or seizin by the rod, with or without the recording of a deed. A picturesque instance of transfer of land by seizin in Maryland is thus described by the historian Bozman: "A court baron was held at the manor of St. Gabriel on the 7th of March, 1656, by the steward of the lady of the manor, when one Martin Kirke took of the lady of the manor in full court, by delivery of the said steward, by the rod, according to the custom of the said manor, one messuage, etc., lying in the said manor, by the yearly rent of, etc., and so the said Kirke having done his fealty to the lady, was thereof admitted tenant (Bozman's *History of Maryland*, II, p. 581). In the period covered by this volume, among some fifty deeds recorded, we find six in which it is stated that the transfer of the land had been made by seizin with turf and twig (pages 135, 525, 569, 574, 577, and 591). There is one remarkable instance, recorded in the Provincial Court in 1665, of delivery by seizin, in which instead of turf and twig we find that, as a symbol of ownership, a tin candlestick, or tin funnel was used. A certain Mordecai Hammond in foreclosing a mortgage against Pope Alvey, of whom we will hear more later, finds it necessary to prove in court delivery of the land to him by seizin. Two witnesses swore as to the authenticity of the deed produced in court. One witness testified that he saw either a tin candlestick, or a tin funnel, handed to the purchaser by Alvey at the time of the delivery of the bond or deed. Two other witnesses swear that a tin funnel was used (page 496).

Although an act introduced at the 1639 Session of the Assembly, requiring the register of any court of the Province upon request to record conveyances of land in the court records, failed to pass, we find that transfers of land were thereafter occasionally recorded in the court proceedings (Arch. Md. I, 61-62). In 1663 an act was passed making obligatory the recording of all deeds of bargain and sale of land either in the Provincial Court, or in the court of the county in which the land was located (Arch. Md. I, 487-8). Up to this date we find comparatively few deeds recorded in the Provincial Court, and the fragmentary records of the county courts would indicate that enrollments there were also unusual. Beginning with the year 1663, however, the effect of the act became apparent and the number of deeds recorded in the Provincial Court rapidly increased, so that beginning with the year 1679 it was found advisable to keep two separate series of Provincial Court records, one for the court minutes and one for recording deeds. In this volume the recorded deeds, which number about fifty, will be found scattered throughout the court proceedings.