

ceedings entered in the Testamentary Proceedings.²⁹ Only in Anne Arundel County did this procedure vary. The Prerogative Court was located in Annapolis, the county seat, and therefore it was pointless for the Deputy Commissary to keep a duplicate set of records; particularly, since the Register of the Court was almost invariably appointed Deputy Commissary for Anne Arundel County also.³⁰ Therefore, the proceedings for this county were entered directly into the records of the Prerogative Court. Except for Anne Arundel County and the proceedings of the Court itself, the records of the Prerogative Court were duplicated by the records of the Deputy Commissaries. Naturally there were some discrepancies. Due to accident, carelessness or other causes, instruments may sometimes be found in one set which do not appear in the other.

HISTORY OF THE RECORDS OF THE PREROGATIVE COURT

The Constitution of 1776 provided for the appointment of a Register of Wills in each county and thus by implication abolished the Prerogative Court. Chapter 8 of the Laws of April 1777 carried out the intent of the Constitution by abolishing the Court and providing for the appointment of an Orphans' Court and a Register of Wills in each county to replace it.³¹ The records of the Deputy Commissaries were passed on to the Registers of Wills. The records of the Prerogative Court were placed in the care and custody of the Register of Wills for Prince George's County. Annapolis being the provincial capital and one of the most important cities in the colonies, it was deemed safer to deposit the records elsewhere while the War lasted. But a few months later, Elie Vallette, Register of Wills for Anne Arundel County and previously Register of the Pre-

²⁹ In 1705, Humphrey Hubbard, Deputy Commissary of Dorchester County was carrying certain wills, inventories, accounts and other papers across the bay to the Commissary General's Office when his boat caught fire and sank, causing the papers to be lost. Fortunately, they had been copied into the Deputy Commissary's records before he left. A law was passed providing that copies of the lost papers taken from Hubbard's books be recorded in the Commissary General's Office. The law further provided that the copies be accepted as originals for all practical purposes. The copies were recorded in full in *Testamentary Proceedings* 19c, pages 150-176.

³⁰ There were only two exceptions to this custom. John Beale and Michael Macnemara served as Deputy Commissaries for Anne Arundel County during the period, 1719-1744, when the position of Register was occupied by other men.

³¹ Hall of Records, *Catalogue of Archival Material*, p. 123.