

INTRODUCTION

I. County Government

Circuit Court

County government developed very early in Maryland. In fact, the Charter of the colony was based on the organization of the county palatine in England. As early as January 29, 1637/38, James Baldrige was commissioned "Sheriff and Coroner of the county of St. Maries" and assigned the same powers vested in "the office of a sheriff and coroner of any County in England". St. Mary's County was divided into hundreds and for a year or two the Isle of Kent, representing all of the settled area of the Eastern Shore, was designated as one of the hundreds of St. Mary's.

But by 1642, and perhaps earlier, the Isle of Kent had been established as a county in its own right with a commander, who was also designated chief judge, three commissioners or court justices, a sheriff and, in all likelihood, a clerk of court. Other counties were created from time to time and by 1658 the form of county government was well established in Maryland. It changed very little for the remainder of the colonial period.

The justices, or commissioners as they were more commonly called, of the county court were commissioned jointly by the Governor and held office at his pleasure. The number of commissioners varied from eight to twenty-eight depending on the size and population of the county. Beginning in 1733, the members of the Governor's Council were named at the head of every commission for a county court, although they rarely exercised this prerogative. Certain of the commissioners were designated as justices of the quorum and no court could be held unless at least one of them was present.

There are only infrequent and indirect references to the county courts in the Constitution of 1776, but such as are found make it obvious that the framers of the new government contemplated no changes in the structure and functions of these courts. In 1790, however, the State was divided into five judicial districts, as follows:

First—St. Mary's, Calvert, Prince George's and Charles Counties

Second—Cecil, Kent, Queen Anne's and Talbot Counties

Third—Anne Arundel, Baltimore and Harford Counties

Fourth—Caroline, Dorchester, Somerset and Worcester Counties

Fifth—Washington, Frederick, Allegany and Montgomery Counties

A chief justice and two associate justices were appointed for each district and the court terms in the district were staggered so that the full bench could be present in each county when court was held. The judicial districts, now called circuits, have been frequently reorganized and the number of judges increased, but the system still prevails.

Clerk of Court

The clerk of court was responsible for recording the proceedings and actions of the court, for recording deeds, conveyances and other papers delivered to him for such purpose and for