

CECIL COUNTY

Records

As the list which follows will indicate, the bound records of Cecil County are unusually well-preserved. The volumes of the Register of Wills and Orphans' Court show few losses and the Land Records in the custody of the Clerk of the Court are almost complete. There are, unfortunately, large gaps in the Judgment Records of the Court for the earlier periods, and the papers for both courts have disappeared almost *in toto*. Not a single page has survived of the records of the Levy Court and the other administrative agencies which governed the county before the period of the Board of County Commissioners.

The record losses sustained by Cecil County have been explained in several fashions. Some have said that the courthouse was burned during the passage of the British troops under Sir William Howe in August 1777, with a consequent heavy loss of records. Joshua Clayton, the orator at the laying of the cornerstone of the present courthouse, averred that the British burned the courthouse at that time but that the records were carried away. However, he seemed to think that the records were not returned, for he finds consolation for their loss in the fact that the rent rolls at the Land Office in Annapolis have substituted for the missing books. Finally, there is the more acceptable theory that the courthouse was not burned at all but that the British carried the records away. As evidence of this theory we have an Act of Assembly which this writer is willing to accept as proof beyond reasonable doubt:

WHEREAS it is represented to this general assembly, that in the year seventeen hundred and seventy-seven the British army took possession of the record books and other papers belonging to Caecil county court, and carried the same to New York; that on the restoration of peace, part of the said records were returned, much abused and defaced, and sundry volumes were entirely lost, to the great injury and prejudice of the inhabitants of the said county; therefore,

Be it enacted, by the General Assembly of Maryland, That the justices of Caecil county court shall and they are authorised and required to cause all such of the record books and papers, of Caecil county court, as have been defaced or otherwise injured, to be transcribed into new record books by the clerk of the said county; and the record so transcribed shall be as good in law, to all intents and purposes, as the original records from which they were transcribed.¹

Scisco, while noting the transcripts, was not aware of the reason for their state of dilapidation; he notes simply that "Joseph Baxter was clerk from 1790 to 1805. He probably found the accumulated record volumes somewhat the worse for wear, for he carried on a systematic transcription of all the older records. Of the 14 volumes of colonial deed records now on the record office shelves 13 are Baxter's transcripts. The original books, mostly in bad condition or worse, are among the discarded material in the storage rooms."²

All of the transcriptions made under authority of this act involving some postdating the Revolution, are now at the Hall of Records, as are all of the older volumes which were carried to New York.

Why General Howe and his lieutenant, Tarleton, should have carried off the records remains a mystery. Neither one of these commanders ever burned a courthouse elsewhere or

¹ Ch. XLVIII, Acts of 1790.

² Louis Dow Scisco, "Colonial Records of Cecil County," *Md. Hist. Mag.*, XXIII, pp. 20-26.