

twice" (p. 501), and in a memorandum dated January 1671, recorded with a Kent County deed, the court clerk notes that the purchasers had "taken quiett and peacable Possion Livery and Seazen" (*Arch. Md. liv*, 270).

Under acts passed in 1641 and 1642 the Governor, or in his absence the chief justice of the county, was to act as *judge of probate* (*Arch. Md. i*, 109, 155), but the last named year the commission appointing John Lewger Secretary designated him also judge in all "causes testamental and matrimonial", and the Secretary of the Province seems to have held this office continuously until 1673, when the Chancellor became judge of probate (*Arch. Md. xv*, 24). It is therefore a little difficult to explain why the Provincial Court and the county courts should have had concurrent jurisdiction for registering wills, administrations, accounts, and other testamentary papers, but such was the fact and the records of these four county courts are filled with testamentary entries. Many of these accounts are of much social interest. It seems possible that these papers were first recorded in the county courts and then sent to St. Mary's to be entered in the Secretary's office there, but no evidence of this has been found. Later they were recorded in the Probate Court at St. Mary's. By acts passed in 1654, 1663, and 1671, the county courts were given jurisdiction over orphans' estates, and the recording of wills, administrations and accounts in the counties was probably for the convenience of the court (*Arch. Md. i*, 353, 493-494; *ii*, 325-326). The county courts also had the appointments of guardians, and numerous such appointments are recorded. The various acts designating the times for holding county courts usually provide specifically that one session a year be held "for orphans". This was generally the June or August court, but such cases could also be brought up at other sessions.

Under the act of 1654, and as later amended in 1658, 1662 and 1666, the law required the *recording of all births, marriages and burials* which occurred in the Province (*Arch. Md. i*, 345, 373, 443; *ii*, 148). These records seem to have been kept with more or less care in certain of the counties, but the entries are very fragmentary in others. In 1640 an act was passed, which was amended in 1658 and 1666, requiring that banns of prospective marriages be made public in churches or meeting houses, or before the county court (*Arch. Md. i*, 97, 374; *ii*, 148). In one instance there is recorded in the Kent County Court proceedings a record of a special license issued by the Chancellor, Feb. 11, 1669/70, authorizing a marriage without banns (*Arch. Md. liv*, 284), permitted under the marriage act of 1662 (*Arch. Md. i*, 443). Only in Somerset County do we find any entries of banns in the county court records.

The registration of *livestock marks*, familiarly known as cattle marks, was a matter of great importance to the planters, as the identification of horses, cattle, sheep and hogs, at a time when fences were few and far between and livestock roamed more or less wild in the forests, was necessary to determine ownership. To prevent disputes between owners, especially as to hogs, the Assembly in 1649 passed an act requiring the registration of livestock marks (*Arch. Md. i*, 251). In 1667 doubtless owing to the multiplicity of earmarks and the ease with which cattle and hog thieves destroyed the tell-tale ears, these records disclose that there later arose the custom of adding brand marks on the