

JURISDICTION.

The original jurisdiction of the Provincial Court in criminal and civil cases extended to all felonies punishable by loss of life or member, and to civil suits involving 3000 pounds of tobacco and over, the equivalent of about £20, the several county courts having jurisdiction in minor criminal and civil cases. But whenever the higher court chose to do so it might assume jurisdiction in a minor case which would ordinarily have come up in a county court, and it regularly heard appeals from the lower courts in suits for debt for less than 3000 pounds of tobacco. Occasionally we also find minor criminal cases first brought before the Provincial Court.

CASES AND PROCEDURE.

The hand of the trained lawyer begins to become obvious in the court records of this period, and as the entries become more and more formalized and technical, by so much does their human interest become lessened. The better trained lawyers now practicing in the higher courts of Maryland seem to have been directing their attention less and less to the local courts of England as their model of procedure and more to the courts at Westminster and the rigid rules which governed their procedure. We must hereafter go rather to the records of the Maryland county courts to study the everyday lives of the people, the details of their difficulties with one another, and the means which were called upon to settle them.

Judge Carroll T. Bond, Chief Justice of the Maryland Court of Appeals, and the recognized authority on the history of Maryland colonial law, calls attention to the fact that although at this time there was increasing conformity to English legal forms and customs, with this there also developed a novel freedom in procedure to meet frontier demands. He calls attention to the fact that pleadings in the higher Maryland courts as shown by this record were still often by word of mouth, while in the courts of England of the same rank, they were all written. Yet, on the other hand, in the Maryland courts we now begin to find a strictness in following the rules of special pleading and suits dismissed upon demurrers for some trifling omission or technical inaccuracy. Instances in point are to be seen in a suit for debt, apparently a perfectly good case, which was thrown out because the defendant's name Robert Knap was spelled Robert Nab in the writ (p. 370); and in another suit for debt the case was thrown out when the amount due, 1664 pounds of tobacco, was erroneously stated by the plaintiff to have been 1665 pounds (p. 363). It may be added that John Morecroft represented the winning litigant in both of these cases. Yet at the same session when technicalities such as these prevailed, we find this higher court settling such trifling matters as the age of indentured servants and the expiration of their term of servitude, or finding a home for a pauper.

The character of much of the litigation before the courts also begins to show changes. Leaving out of consideration criminal actions, suits for debt largely monopolized the time of the court. Nearly ninety per cent of the civil actions are for debt; suits involving land, contrary to the general impression, form