

registered their marks in the records of the higher court. We find numerous instances of this kind in this volume. Horses, and occasionally cattle were branded.

The Provincial Court exercised authority over the overseers of highways, who, however, were ordinarily appointed by the several county courts. In this record we find several instances in which overseers were indicted for not keeping the roads under their charge in order. In one instance Thomas Brooks [Brooke] complained that Charles Ashcomb, overseer of highways in St. Mary's County, had "through ill will and malice to the petitioner caused a way to be made through his cornfield to his great damage", and the court ordered at the February, 1669/70, session that when Brooke's "field fence be repaired it is to be no more broken down". (p. 532). The overseer seems to have been only rebuked, not punished. Licences for inns or ordinaries were normally issued by the Provincial Court.

RECORDING OF NON-JUDICIAL PAPERS.

We find scattered throughout the Provincial Court proceedings papers relating to various matters not in litigation, which those who filed them with the clerk wished thus to have permanently recorded. Next to letters of attorney the most numerous of these are deeds and other papers relating to the titles of land. More than a fifth of the text of this volume relates to land titles. These land papers are discussed in a later section of this introduction (pp. xl-xlv). Numerous powers of attorney, general or limited, either from outsiders, or from one Marylander to another, are recorded. There are a few marriage certificates of Quakers and others entered. Notices of "Intention of leaving the Province for England", which were required to be published in order to give creditors an opportunity to get out writs of *ne exeat provinciam* against debtors wishing thus to escape from them, are also found entered on these court records.

APPEALS.

Appeals from the county courts were frequent, although the penalty of treble costs imposed upon the appellant if he lost, unquestionably kept the number down. There were twenty-four appeals in this five-year period. For some reason not clear, possibly because the Calvert County court was weak, or because the county seat was so close to St. Mary's City, and on this account the incidental costs of such a suit were less, appeals from that court were especially frequent. Appeal from a decision of the Provincial Court might be carried up before the Upper House of the Assembly sitting as an appellate court, where the same men who sat below in the Provincial Court, heard the case on appeal. There were two such appeals to the Upper House in this period.

Judge Carroll T. Bond, chief judge of the Maryland Court of Appeals, in the introduction to his *Proceedings of the Maryland Court of Appeals 1695-1729* (p. xxix) shows that there were four ways prior to 1678 by which proceedings arising in the county courts might be remanded to the Provincial Court. These were (1) by a writ of *certiorari*, before trial of the case below; (2) by a writ